



Costs Decision

Site visit made on 26 October 2023

by H Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2023

Costs application in relation to Appeal Ref: APP/X0360/C/23/3314060 Uplands, Basingstoke Road, Spencers Wood RG7 1AP

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Wokingham Borough Council for a full or partial award of costs against Mr A Alleyne.
- The appeal was against an enforcement notice alleging, without planning permission, the erection of a wall, including pillars, above 1 metre in height.

Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant for costs, in this case Wokingham Borough Council, allege that Mr Alleyne behaved in an unreasonable way procedurally. The Council say Mr Alleyne submitted a revised statement (received by the Council on 23 March 2023, following the submission of the Council's statement on 15 March 2023) which included additional detail regarding ground (f). The Council say this resulted in additional and unnecessary time responding at a late stage.
4. From the details submitted by both parties, I can see that the enforcement notice appeal form¹ contained basic information on the grounds of appeal, including ground (f). On validation of the appeal, both parties were informed to submit their statement by 15 February 2023. The statement from Mr Alleyne was submitted to the Planning Inspectorate on 10 March 2023 and copied to the Council on 16 March 2023. The statement from the Council was submitted to the Planning Inspectorate on 15 March 2023 and copied to Mr Alleyne on 16 March 2023. I am aware of no revised statement from Mr Alleyne. The Council have provided no detail of which document they say was a revised statement, received on 23 March 2023.
5. The statement from Mr Alleyne added detail to the grounds of appeal set out in the appeal form but did not add any new arguments or grounds of appeal. This is standard practice procedurally.

¹ Appeal form initially received on 3/1/2023 in the name of Ms Emma Jane Stefanini, of the same address, but on 4/1/2023, changed to Mr Andrew Leon Alleyne, to match with the name on the linked planning application appeal, 3309384, to ensure no fee for the deemed planning application under Ground (a).

6. The Council had the opportunity to respond to the statement from Mr Alleyne in their final comments, which they did. Again, this is standard practice procedurally.
7. I have been presented with no evidence which would lead me to conclude that Mr Alleyne has behaved unreasonably, or that the Council has incurred any unnecessary or wasted expense in the appeal process.

Conclusion

8. For the reasons given, unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated and an award of costs is not warranted.

H Davies

INSPECTOR