



Costs Decision

Site visit made on 31 October 2023

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 26 January 2024

Costs application in relation to Appeal Ref: APP/W0340/X/22/3297678 Chestnut, Coppice Rag Hill, Aldermaston, READING, RG7 4NS

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr and Mrs Jones for a full award of costs against West Berkshire District Council.
 - The appeal was against the refusal of a certificate of lawful use or development for the continued use of the property as a live/work unit.
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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 appellants' argument is essentially that the Council had no good reason to refuse the LDC. The appellant has demonstrated the use falls within the same class as that approved and the Council have used contradictory arguments, either it is not being used for business at all or that it is being used for the wrong sort of business.
4. The Council respond that they have actually taken a 2-stage approach, firstly the work unit is restricted to a workshop only and this is not the use the appellants are making of it, and secondly, if that is not the case then the use is not Class E but ancillary to the residential use.
5. I agree with the Council, and as my decision makes clear, they are correct in both parts of their argument. The room is limited to use as a workshop and the actual use that is being made of it is a home office which is ancillary to the residential use. The Council's argument is a little confused at times and they may or may not have given contradictory advice to the appellants in the past, but that does not make the refusal of the LDC to be unreasonable.
6. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Simon Hand

INSPECTOR