



Costs Decision

Site visit made on 31 January 2024

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 February 2024

**Costs application in relation to Appeal Ref: APP/T0355/D/23/3325825
Old Oak Cottage, Sill Bridge Lane, Waltham St. Lawrence, Windsor and
Maidenhead, Reading RG10 0NT**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr and Mrs T Ritchie for a full award of costs against the Council of the Royal Borough of Windsor and Maidenhead.
 - The appeal was against the refusal of planning permission for extensions to Old Oak Cottage.
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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 PPG sets out that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals.
4. Unreasonable behaviour may include failure by the planning authority to substantiate a stated reason for refusal of planning permission or relate to a procedural process.
5. The Council referenced the applicant's certificate of lawfulness application¹ within the delegated report, not only that it was dismissed, but then went to discuss the single storey elements which would be permissible on their own, in addition to a potential replacement dwelling. The weight given to these matters is a matter for the decision maker, and the Council has set out and substantiated its opinion on the matter.
6. The matter of flood risk is considered in the delegated report, and whilst no mention is specifically made of the flood risk position of a fallback option, this is not detailed in the applicant's submissions. It is entirely within the gift of the applicant to bring to the Inspector's attention any additional information that they feel may improve understanding of the context of the proposed development, and the fallback positions mentioned in their evidence have been taken into account in reaching the decision on the appeal.

¹ Application reference 22/02165/CPD

7. With regards to matters of design, character and appearance, the Council has set out their case, referencing relevant development plan policies and a Supplementary Planning Document, and whilst I recognise the applicant's well-reasoned arguments, matters of design are somewhat subjective. Accordingly, it has not been demonstrated that the applicant's time and expense in defending this matter was not necessary and has resulted in unnecessary or wasted expense on their behalf.
8. Unreasonable behaviour has not therefore been demonstrated in respect of these matters. The work undertaken by the applicant in this regard was a necessary part of their case.

Conclusions

9. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. The application for an award of costs is therefore refused.

B Phillips

INSPECTOR