



Costs Decision

Site visit made on 7 March 2024

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 April 2024

Costs application in relation to Appeal Ref: APP/T0355/W/23/3323660 Land between 1 and 5 The Fieldings, Moneyrow Green, Holyport, Maidenhead

- 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 Daniel Torrance for a full award of costs against the Council of the Royal Borough of Windsor and Maidenhead.
 - The appeal was against the refusal of the Council to grant planning permission for one family dwelling, access, car parking and landscaping.
-

Decision

1. The application for a full 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 also provides examples of where a local planning authority may be at risk of a substantive award of costs. These include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; and if it persists in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable.
4. The application is made on the basis that the Council's Development Management Committee refused planning permission against the advice of its planning officers in relation to the application of paragraph 154(e) of the National Planning Policy Framework (the Framework), which sets out that "limited infilling in villages" would be an exception to the definition of inappropriate development in the Green Belt.
5. However, as I set out in my decision letter, the Framework does not define "limited infilling" or "village", and it is therefore a matter of planning judgement as to whether or not a development meets the criteria in paragraph 154(e) of the Framework. Moreover, whilst an Inspector has previously determined that the site falls within the definition of "village"¹, I have not been directed to any previous appeal decisions that conclude whether or not the appeal scheme is "limited infilling".

¹ Appeal Decision APP/T0355/W/22/3299558, dated 14 October 2022.

6. The Council does not dispute that the appeal site lies within the village envelope of Holyport. However, in its consideration of “limited infilling”, the Council took account of the scale, orientation and positioning of existing dwellings relative to the proposal. In doing so, it concluded that the development would not form a continuous frontage and therefore would not be “limited infilling”. Whilst I have come to a different conclusion to the Council on this matter, I do not find the Council’s reasoning to be flawed and, therefore, the Council has not behaved unreasonably.
7. The reasons for refusal on the decision notice are reasonably clear, precise, specific and relevant to the application. That the applicant does not agree with the Council’s reasoning on these matters does not make the Council’s behaviour unreasonable.
8. For the reasons given above, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and therefore the application for a full award of costs is refused.

E Catcheside

INSPECTOR