



Costs Decision

Site visit made on 2 October 2024

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th October 2024

Costs application in relation to Appeal Ref: APP/W0340/W/24/3346484 Foxglove Farm Great Common Lane, Inkpen, Hungerford, Berkshire, RG17 9QR

- 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 & Mrs Simon & Kathe Bastable for a full award of costs against West Berkshire District Council.
- The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for the change of use of 2.4 acres of agricultural land for use for leisure and tourism, specifically for the provision of a glamping site that will provide 6 tents.

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. It states that unreasonable behaviour in the context of an application for an award of costs may be either procedural or substantive.
4. An example of this may 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.
5. The application was not determined in accordance with national targets. The Council have set out that this was due to the delay in the time for the application to be brought forward to planning committee. Whilst a resubmission of a previous scheme¹ with 1 reason for refusal, this delay was caused by resourcing issues, and the number of applications which needed to be presented to Committee. The application needed to be presented at Committee due to the number of objections received.

¹ Application reference 22/00141/FUL

6. Delays to the determination of applications, particularly at Committee, are not unfortunately uncommon, and the Council emailed the applicant to explain the delay on the 3rd of June. The application was being supported at officer level, and it is not clearly demonstrated that the delay in determination has caused unnecessary or wasted expense related to the appeal.

Conclusions

7. 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