



Costs Decision

Hearing held on 8 October 2024

Site visit made on 9 October 2024

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2024

Costs application in relation to Appeal Ref: APP/W0340/W/23/3329567 Pitchkettle Farm, Goodboys Lane, Grazeley Green, Reading RG7 1ND

- 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 West Berkshire District Council for a partial award of costs against Mr Neil Stewart of Pitchkettle Investments Ltd.
 - The appeal was against the refusal of planning permission for erection of two modular buildings following demolition and removal of existing structures, and change of use of site to flexible Class B2/B8/E(g) use.
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Decision

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

The submissions and response

2. The costs application and response were made orally at the Hearing and following it they were submitted in writing.

Reasons

3. 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.
4. At the Hearing the appellant confirmed that they wished to amend the description of development to omit the B2 use. The Council had previously indicated that they were content for the B2 use to be deleted from the description of development in the Response to Inspector Questions. They also confirmed this at the Hearing itself. Nonetheless, the B2 element formed part of the original application and the Council made their decision based on its inclusion.
5. The reasons for the change were to attempt to address issues raised by the Council and due to a change in the appellant's desired business model. I have explained in my decision why interested parties would not be prejudice by the changing of the description and extent of the proposal. Even if the potential to remove the B2 element had been raised earlier, the Council could not have been sure that the suggested removal of the B2 use would have been accepted. Therefore, despite being aware of the possibility of its removal, they would have needed to prepare for the hearing, including their appeal statement, on the basis of the B2 element being considered.

6. The extent and nature of the B8 use sought did change at the Hearing in response to questions regarding traffic generation and other considerations. Nonetheless, even if this were unreasonable, the Council had chance to respond at the Hearing and this narrowed rather than widened the scope of the scheme.
7. There were adjournments during the day in which conditions and other matters were discussed between the main parties and subsequent amendments. Notwithstanding this, there was no substantive delay caused by the change. The Hearing, which was scheduled for 2 days, was completed on the first day other than the site visit. Consequently, it has not been shown that this change led to any unnecessary or wasted costs being incurred by the Council.

Conclusion

8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Stuart Willis

INSPECTOR