



Costs Decision

Site visit made on 19 September 2024

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th November 2024

**Costs application in relation to Appeal Ref: APP/W0340/W/24/3336343
Land between Kennet and Avon Canal and railway line west of Frouds Lane
– Easting (x) 459033 Northing (y) 166710**

- 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 Ryan Alexander Associates Ltd for a full award of costs against West Berkshire District Council.
 - The appeal was against the refusal of the Council to grant planning permission for the formation of storage building, as an expansion of Ryan Alexander Associates premises, with associated external storage, access and parking.
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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 applicant considers that the Council exhibited substantive unreasonable behaviour by; failing to substantiate each of the reasons for refusal; not concluding that any concerns could be overcome by the imposition of appropriately worded conditions; and, because of its misunderstanding and misinterpretation of its own policies.
4. I understand that the outcome of the application will have been a disappointment to the applicant. I also appreciate that the Council's failure to produce an appeal statement will have caused frustration. Nevertheless, the Council's case officer report justifies each of the reasons for refusal.
5. In reaching a decision on the application, the Council demonstrated an understanding that in certain circumstances, Core Strategy policy CS 9 enables support to be given for industrial, distribution and storage uses outside of defined protected employment areas and existing suitably located employment sites and premises. Furthermore, and based upon the wording of policy CS 9 it was not unreasonable for the Council to consider compatibility in terms of the effect of the development on the character and appearance of the area. Therefore, and although I have found that the development would be compatible with nearby land uses, the Council provided a sound explanation for its alternative view.
6. From the evidence provided at application stage, it was not unreasonable of the Council to conclude that the development would not contribute towards

diversifying the rural economy. Moreover, on the application form it was indicated that the development would not increase or decrease the number of employees. Therefore, and given that the site is not within or adjacent to a rural service centre of service village, the Council's second reason for refusal was not perverse.

7. I have reached a different conclusion from the Council regarding the effect of the development on the character and appearance of the area. Nevertheless, the third reason for refusal reason was soundly based upon relevant policies contained within the Development Plan.
8. Despite agreeing with the appellant regarding the length of a suitable visibility splay to the southeast of the site access, I have been unable to conclude that an adequate associated visibility splay could be secured. I have also been unable to establish that a sufficient visibility splay could be provided to the northwest of the access. Therefore, and despite my finding that the Council incorrectly required the provision of a southeast visibility splay of 85.3m x 2.4m to the nearside edge of the carriageway, its refusal of the application based on concerns regarding the effect the development on highway safety was justified.
9. For the reasons given, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

V Simpson

INSPECTOR