



Costs Decision

Site visit made on 7 November 2024

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2024

Costs application in relation to Appeal Ref: APP/T0355/W/24/3346756 Big Hill, Cayton Park North, Wargrave RG10 8QN

- 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 Cayton Park Stud for a full award of costs against Royal Borough of Windsor and Maidenhead.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for the erection of Estate Maintenance Machinery Store and Workshop.
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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. In this instance, the applicant has set out that unreasonable behaviour has occurred on the basis that the Council did not determine the application within the statutory timescales and that the failure to display a site notice caused further delay and unnecessary costs.
4. It is unfortunate that the Council was not able to determine the application. However, the fact that the site notice had not been displayed was clearly an honest mistake and does not represent unreasonable behaviour. In addition, while I have disagreed with the Council's decision, I do not find that their suggested reason for refusal was unreasonable as such. Therefore, even if the Council had determined the application, an appeal was inevitable.
5. As such, I find that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

C Butcher

INSPECTOR