



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: 11 December 2024

252a Nine Mile Ride, Finchampstead, Wokingham RG40 3NT

Costs application in relation to Appeal Ref: APP/X0360/W/24/3339875

- 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 Nick Brister (Sterling Contractors Ltd) for a full award of costs against Wokingham Borough Council.
 - The appeal was against the refusal of the Council to grant planning permission for the demolition of the existing bungalow and the construction of 2 semi-detached houses and a self-build detached bungalow, with associated access, car parking, amenity space and landscaping.
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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 has provided a fairly lengthy list of reasons as to why an award of costs would be appropriate as part of this appeal. However, in my view, much of this appears to be a difference of opinion between the main parties. I note that I have disagreed with the Council's conclusion with regards to the living conditions of the occupiers of No. 252b Nine Mile Ride. However, based on the information available to the Council at the time, their assessment was not unreasonable as such. Furthermore, while matters relating to biodiversity and the Special Protection Area could be addressed through a planning obligation, it is not unreasonable for the Council to not have engaged in that process prior to refusing the application.
4. It is unfortunate that the Council wrongly included highways as a reason for refusal, although it appears that the matter was easily resolved without the appellant having to expend too much time or expense.
5. Fundamentally, I have concurred with the Council with regards to the impact of the development on character and appearance. As such, the Council has not acted unreasonably to refuse the application on those grounds and therefore an appeal, and the associated costs experienced, was inevitable.

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

C Butcher

INSPECTOR