



Costs Decision

Site visit made on 29 January 2025

by H Faulkner BSc (Hons) MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 March 2025

Costs application in relation to Appeal Ref: APP/X0360/W/24/3355104 Rose Cottage Stables, Binfield Road, Binfield, Wokingham, RG40 5PP

- 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 Mrs Stephanie Scott for a full award of costs against Wokingham Borough Council.
 - The appeal was against the refusal of planning permission for external alterations to existing building, part change of use of ground floor to residential and formation of a mezzanine floor extending residential accommodation, part change of use of first floor to equestrian storage.
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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, 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. Unreasonable behaviour on the part of a local planning authority 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, acting contrary to, or not following, well-established case law, or not determining similar cases in a consistent manner.
4. On the substantive grounds the applicant's claim is that the Council acted unreasonably in the following ways: the application of Policy CP11 development should clearly have been permitted as this policy is not a blanket ban on development in the countryside and that there was no prejudice to rural enterprise; that owing to the lack of five year housing supply there was a clear lack of planning balance; the application could have been allowed with a restrictive condition; and the dispute over the lawful planning unit on the site.
5. In respect of the application of Policy CP11 in my determination of the appeal I reviewed this policy and found that it was of relevance and the Council was reasonable to consider it in its determination of the application. For the reasons set out in my Appeal Decision, I reached a similar view to the Council with regard to the assessment of the proposal in light of Policy CP11. I do not therefore it was unreasonable in its approach to the application of this policy.

6. With regards to the application of a condition relating to the restriction of the occupancy, given that the Council and I did not find that the proposal met the requirements of Policy CP11 attaching a condition of this type would not have met the relevant tests as it would not have been reasonable. Therefore, the Council was right not to permit the application with this condition attached and therefore the appeal was not avoidable in relation to this matter.
7. A further issue was the definition of the planning unit. This was not a determinative matter in the appeal. Whilst there were opposing views with regard to the relationship between the various parts of the wider site, the appeal would have been required even if there was agreement on this point.
8. It was reasonable for the Council to reach a view in terms of the application of the policies within its development plan and then consider their position in respect of its five-year housing land supply. A planning balance was undertaken by the Council and considered the benefits of the scheme in respect of the application of the presumption of sustainable development. The structure of the report could have been better with the balance positioned at the end of the considerations. I also agree that there is no specific requirement for all objectives of sustainable development to be met. However, the Council did conclude that paragraph 11(d) was engaged and that in its view the benefits would not outweigh the harm. Whilst I have reached a different conclusion on this matter the Council was entitled to consider the weight of the benefits differently. I do not find that the Council acted unreasonably or resulted in any additional costs to the applicant on this matter.

Conclusion

9. For these reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. For this reason, an award of costs is not justified.

H Faulkner

INSPECTOR