



Costs Decision

Site visit made on 6 March 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20th March 2025

Coningsby Farm, Coningsby Lane, Fifield, Maidenhead, SL6 2PF

Costs application in relation to Appeal Ref: APP/T0355/W/24/3354637

- 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 and Mrs E Davies for a full award of costs against the Royal Borough of Windsor and Maidenhead Council.
 - The appeal was against the refusal of planning permission for a private way and hardstanding.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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 suggested that the original planning application should not have been refused and that the Council did not take sufficient account of a fallback position involving permitted development rights. I do not comment on the fallback position given that I allowed the appeal due to an absence of harm.
4. I am of the view that the reason for refusal in relation to Green Belt was unreasonable on the basis that a farm track is highly unlikely to affect the openness of the Green Belt to any meaningful extent. Furthermore, while matters relating to character and appearance are of course subjective, it seems to me that refusing the application on that basis was also unreasonable given that such tracks are commonplace in the countryside. As such, the application should not have been refused.
5. For these reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs is therefore warranted.

Costs Order

6. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that the Royal Borough of Windsor and Maidenhead Council shall pay to Mr and Mrs E Davies, the costs of the appeal proceedings described in the heading of this decision; such costs are to be assessed in the Senior Courts Costs Office if not agreed.

7. The applicant is now invited to submit to the Royal Borough of Windsor and Maidenhead Council to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

C Butcher

INSPECTOR