



Costs Decision

Site visit made on 28 May 2025

by **D J Barmes MBA BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 June 2025

Costs application in relation to Appeal Ref: APP/T0355/W/25/3360500

Fairview, Shoppenhangers Road, Maidenhead SL6 2PZ

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Mani Gill (Gill Capital Homes Limited) for a full award of costs against the Council of the Royal Borough of Windsor and Maidenhead.
 - The appeal was against the refusal of the Council to grant planning permission for the demolition of an existing dwelling and construction of 8 new apartment units comprising 6 two bedroom units and 2 one bedroom units
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance 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 appellant's application for an award of costs originally included reclaiming the payment of the fee for the resubmission of a planning application. The Planning Practice Guidance confirms that costs cannot be claimed for the period during the determination of an application. However, all parties are expected to behave reasonably throughout the planning process. Although costs can only be awarded in relation to unnecessary or wasted expense at the appeal stage, behaviour and actions at the time of the planning application can be taken into account as to whether or not costs should be awarded.
4. The appellant also claims that the application could have been approved and the appeal avoided because the council could have constructively engaged by requesting additional information, imposed suitable conditions to address the concerns which have been raised in the reasons for refusal or entered into a legal agreement at a later date if financial contributions were necessary to the council's carbon off-set fund. There is a concern that officers of the council did not undertake a site visit to properly assess the proposed development but the site and its context can be adequately viewed from the road.
5. As identified by the council there is no legal requirement to request additional information and this action alone would not amount to unreasonable behaviour to justify an award of costs, particularly where updated information has been taken into account in the assessment of the appeal scheme. It is only with the benefit of

the additional information provided at the appeal stage could suitable conditions be imposed addressing the highway safety concerns raised by the council.

6. However, as with the assessment of the appeal, additional information related to the impact of the proposed development on the protected trees, including those forming part of the Ancient Woodland, was necessary to assess whether any unacceptable harm would be caused by the proposed development. A condition would not have been appropriate to address this matter. In the absence of this information, the council was not in a position to be able to approve the appeal application.
7. There is a difference between the council and the assessment in the Appeal Decision concerning biodiversity and climate change. However, even if these matters were the subject of suitable conditions, because of the lack of information associated with the effect of the construction works on the protected trees, including those within the Ancient Woodland, there would still have been a need for the appeal. On this basis, the council has not acted unreasonably to prevent or delay the proposed development and it has also produced evidence to substantiate the reasons for refusal, particularly related to tree matters.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated and that a full award of costs is not justified.

D J Barnes

INSPECTOR