



Costs Decision

Site visit made on 6 May 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 JULY 2025

Costs application in relation to Appeal Ref: APP/W0340/D/25/3362244 The Pines, Unnamed Road from B4000 to Nalder Hill, Wickham Heath, Newbury, West Berkshire RG20 8PE

- 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 Barnaby Newton for a full award of costs against West Berkshire District Council.
 - The appeal was against the refusal of planning permission for taking down of two existing dilapidated garage buildings and erection of two new steel framed garage buildings.
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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. Unreasonable behaviour on the part of a local planning authority (LPA) may include preventing or delaying development which should be clearly 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. The applicant contends that the LPA should have granted the planning application as the applicants Statement of Case demonstrates that the proposal would not have an unacceptable impact on the living conditions of the occupants of 140 Wickham Heath and The Pines.
5. The applicant also notes that two case officers intended to recommend approval of the scheme, but the determining officer took a different view and this was based on a desktop assessment. The applicant suggests that the LPA's reason for refusal includes vague and inaccurate policy references and therefore contends the LPA has acted unreasonably by delaying acceptable development.
6. Correspondence between the case officer and the applicant during the consideration of the application was provided without prejudice to the final decision of the LPA. Section 6.3 of the case officers delegated report provides an adequate analysis of the proposal and Policy CS14 and the National Planning Policy Framework (the Framework) are correctly applied.

7. The issue at hand is a matter of planning judgement, and the LPA has set out clear reasoning in refusing the application. While I have ultimately not agreed with that conclusion, the LPA did not therefore act unreasonably in refusing permission.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as defined in the PPG, has not been demonstrated. Accordingly, the application for costs is refused.

C Coles

INSPECTOR