



Costs Decision

Inquiry held on 20-23 May and 16 June 2025

Site visit made on 19 and 22 May 2025

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th July 2025

Costs application in relation to Appeal Ref: APP/W0340/W/24/3356688

Land south of Sandhill, Hermitage, Thatcham, RG18 9XU

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by West Berkshire Council for a partial award of costs against Mr R Black.
 - The inquiry was in connection with an appeal against the refusal of planning permission for 'Change of use of land for the formation of 5 Gypsy/Traveller pitches comprising of 1 mobile home, 1 touring caravan, and 1 utility building per pitch'.
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Decision

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

Reasons

2. The application was made and responded to in writing.
3. 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.
4. The PPG also explains that an appellant is at risk of an award of costs if they delay providing information, fail to adhere to deadlines or introduce fresh and substantial evidence at a late stage necessitating extra expense for preparatory work that would not otherwise have arisen. The Council submit that the appellant provided late information in the form of landscape and visibility splay plans, and this was unreasonable because it is at odds with the Planning Appeals: Procedural Guide.
5. Before considering this precise allegation, it is helpful to set out some context. The Procedural Guide: Planning Appeals is quite clear that an appeal should only be made when the appellant is able to make their full case and that the Statement of Case should be accompanied by all the evidence the appellant intends to rely on. Proofs of evidence are to be used as a forum for witnesses to marshal existing evidence and provide their views on it. As such, new evidence should not be submitted after the deadline for Statements of Case unless that evidence is addressing a change in circumstances.
6. In this instance, the appellant's team took an unhelpful approach, submitting several documents outside of the timetable including updates on personal circumstances, a highways technical note and a drainage strategy. They also sought to submit an entirely new landscape and visual impact assessment. All this

information should have been submitted with the Statement of Case and is symptomatic of the appellant's team's loose approach to the procedural guide.

7. It was apparent that the main thrust of the appellant's case was that the impact on the landscape could be significantly offset through revisions to the proposal. This included a reduction in hard landscaping and a comprehensive soft landscaping scheme including hedges on the site boundary, internal tree and hedge planting, planted buffer zones and meadow planting. An indicative plan detailing this was only provided with proofs of evidence (Figure 14 to Mr Petrow's proof). Even then, the plan submitted did not show the visibility splays, the acoustic fencing or the mobile homes in a position consistent with the noise assessment.
8. The appellant's case was expanded upon in oral evidence where further amendments were proposed (such as 'instant hedges'). Given this, and the errors outlined above, the appellant asked to submit a new indicative landscaping plan after the landscape evidence was finished. I considered this necessary to provide clarity, but it was clearly unreasonable as the Council had already given its landscape evidence. This approach necessitated the new plan (ID14) being discussed in a round table discussion on the 16 June after the Council had reviewed it to ensure fairness. Accordingly, the failure to provide the indicative landscape plan with the statement of case was procedurally unfair and unreasonable and this resulted in the Council being put to wasted expense in having to address this new information submitted outside of the appeal timetable.
9. In respect of visibility splays, the plan in the Highway Technical Note was superseded by discussions with the Local Highway Authority. In effect, the length of the splays was reduced to 43m. I requested a plan showing this and therefore the appellant submitting one was not unreasonable. However, the plan submitted (ID7) was inaccurate and this necessitated a further plan (ID14) being adduced and reviewed by the Council. The visibility splays on this further plan were on the indicative landscape plan rather than a topographical survey and do not form part of the application in any event. The appellants approach to clarifying visibility splays relative to landscaping was muddled and inefficient and this resulted in the Council incurring wasted expense in reviewing the information.

Costs Order

10. 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 Mr R Black shall pay to West Berkshire Council, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in addressing the new landscape and visibility splay drawings submitted after the Statement of Case; such costs to be assessed in the Senior Courts Costs Office if not agreed.

The applicant is now invited to submit to Mr R Black, to whose agents a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Graham Chamberlain
INSPECTOR