
Costs Decision

Site visit made on 1 July 2025

by **Samuel Watson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 July 2025

Costs application in relation to Appeal Ref: APP/W0340/W/25/3363001 1103 Oxford Road, Tilehurst, Reading RG31 6YE

- 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 Dr Ali Zaltash for a full award of costs against West Berkshire District Council.
 - The appeal was against the refusal of planning permission for the change of use of building from annex to rentable dwelling (remaining tied to ownership of existing dwelling).
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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. The applicant submits that the Council did not appropriately substantiate their reason for refusal, were vague, generalised or inaccurate in their assessment and did not appropriately follow the requirements of Paragraph 11(d) of the National Planning Policy Framework (the Framework). In this way the applicant considers the Council to have acted unreasonably in preventing development that should have been permitted and that this has resulted in unnecessary expense for the applicant in submitting an appeal.
4. While their decision notice references parking pressures within the local area, the Council did not set out the perceived resultant harm to highway safety as a result of the proposal. I note the references to Policy CS13 of the West Berkshire Core Strategy and Policy P1 of the West Berkshire Council Housing Site Allocations Development Plan Document but this is not enough on its own to appropriately substantiate their reason for refusal. I note that the Council have provided more detail in the appeal submissions, but the lack of clarity in the application's determination is unreasonable.
5. It is accepted by both parties that the Council could not, at the time of the planning application's decision, demonstrate a five-year housing land supply. However, the Council's delegated report does not clearly weigh the benefits of the proposal against the identified harms. Moreover, the report refers to Paragraph 11(d) both applying and not applying to this case. The Council's treatment of this matter would also have sown doubt in the applicant as to whether the planning application should have been refused.

6. The Council's actions in considering the above matters made the submission of an appeal necessary to seek confidence in the planning decision. Had the Council accurately and clearly dealt with highway safety and the Paragraph 11(d), the entire appeal may have been avoided and so, in this way the Council acted unreasonably and caused the applicant unnecessary expense in the submission of the appeal.
7. From the submissions before me it has not been demonstrated that the Council misled the applicant as part of their request for the removal of the parking area on the opposite side of the private road. Such a request, given that the Council still found the proposal to be unacceptable, may have been unhelpful but I do not find it to be unreasonable.
8. I note that, as part of the Council's appeal submissions, the Local Highway Authority (the LHA) state that they could not support the scheme because of the Article 4. However, the LHA were only a consultee and although the Article 4 is referred to in the Council's delegated report, these references do not lead me to believe that undue weight was given to it during the determination of the planning application.
9. In all the Council acted unreasonably by not sufficiently justifying their decision and through their lack of clarity in their determination of the planning application. This consequently resulted in the applicant submitting an appeal for a decision that should have otherwise been permitted. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs is therefore warranted.

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 West Berkshire District Council shall pay to Dr Ali Zaltash, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.

The applicant is now invited to submit to West Berkshire District 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.

Samuel Watson

INSPECTOR