
Costs Decision

Hearing held on 3 July 2025

Site visit made on 3 July 2025

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2025

**Costs application in relation to Appeal Ref: APP/R0335/W/25/3361251
Winkfield Working Mens Club, Chavey Down Road, Winkfield Row, Bracknell
RG42 6LY**

- 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 County Homes Thames Valley Ltd for a partial award of costs against Bracknell Forest Council.
 - The appeal was against the refusal of planning permission for development described as the erection of 1x three-bed and 2x four-bed detached dwellings with associated parking / cycle, refuse / recycling storage and modified access following demolition of existing building.
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Decision

1. The application for a partial award of costs is refused.

Background

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (“the 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 states that the Council acted unreasonably as it did not use a qualified RICS (Royal Institution of Chartered Surveyors) assessor to review the submitted Viability Appraisal and Report by Kempton Carr and Croft, and the Market Report by Christopher Thomas & Co Ltd.
4. The Applicant says the Council therefore unreasonably refused the application, and this has caused the Applicant to incur unnecessary costs as a Proof of Evidence and attendance at the Hearing by an expert witness was required.

Reasons

5. Councils often give pre-application advice to help applicants understand any planning issues before they formally lodge a planning application. The advice provides guidance with a professional planning officer’s informal opinion. This gives insight into any potential issues early and, if possible, can offer opportunities to improve the chances of success.
6. However, there is no evidence before me to suggest that pre-application advice is a formal decision of the Council, or that it guarantees success. Indeed, the formal decision follows the submission of a planning application, and in this case, the

formal decision was set out in the Council's Decision Notice and expanded upon in its Delegated Report.

7. On this basis, while the Applicant criticises the Council's pre-planning advice, I do not find it unreasonable for the Council to highlight its concerns in respect of the marketing as expressed at paragraph 6.9 of the pre-application advice, while reserving the right to have the viability assessment assessed independently at the formal application stage.
8. It has not been clearly shown that the Council must independently test evidence at the pre-application stage even if the Applicant agrees to meet the cost. Indeed, and, at the later application stage, the Council found no harm in respect of viability therefore confirming the submitted reports were not unnecessary or wasted expenses.
9. The Decision Notice¹ states that the proposal would result in the loss of a community facility and all reasonable efforts to show there is no realistic interest in the retention for the current use have not been demonstrated. The Decision Notice confirms the proposal would be contrary to Bracknell Forest Local Plan Policy LP 44 2.iii.b. This aspect of the Policy requires evidence to confirm that a site has been actively and positively marketed for a meaningful period. Paragraph 6.10 of the Council's Delegated Report also sets this out.
10. The merits of the planning arguments were articulated in evidence and my reasoning set out in the subsequent Appeal Decision; I do not intend to rehearse the planning issues here. However, the Council's Decision Notice and Delegated Report show no objection to the Applicant's viability evidence. The Council also accepted that the Working Men's Club could no longer operate successfully in its current form.
11. The Council raised issue with the efforts to retain a community service or facility on site more broadly. As I also found in my Appeal Decision, the Applicant has not demonstrated there was no realistic interest in keeping a community use or facility at this site. The Council's evidence is clear that the site has not been actively and positively marketed for a meaningful period for a community use to show that there is no other realistic interest in its retention for a community use.
12. These aspects are matters of planning judgement based on the submitted evidence. It has not been robustly shown why the Council's professional planning officers were not qualified to undertake this review and form a judgement. This is reinforced by my own Appeal Decision as I also agreed with the findings of the Council having also considered all the evidence in this regard.
13. Given the content of the pre-application advice, the Council's Decision Notice and its Delegated Report, I do not consider the Applicant was denied opportunity to understand where the application was found wanting. The evidence shows the site had not been actively and positively marketed for a meaningful period as a community use. Thus, not robustly showing there was no realistic interest in its retention as a community use. On this basis, I am satisfied that professional planning officers employed by the Council are qualified to make these judgements.

¹ Reason for Refusal No 1

Conclusion

14. As a result, having considered the above, I conclude that unreasonable behaviour by the Council, as described in the PPG, has not been clearly demonstrated. Therefore, unnecessary or wasted expense has not been incurred by the Applicant. Consequently, the application for a partial award of costs is refused.

N Praine

INSPECTOR