



Costs Decision

Inquiry held on 17, 18, 19, 20 and 24 June 2025

Site visit made on 24 June 2025

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st July 2025

**Costs application in relation to Appeal Ref: APP/W0340/W/25/3360702
Land Bounded by Hoad Way and M4 and High Street, Theale, Berkshire, RG7
5AG**

Decision

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

The submission by West Berkshire Council

2. The submission was made in writing for an award of costs in relation to the first reason for refusal.
3. The Appellant's Statement of Case (SoC) made only very limited consideration of the employment land supply. There was subsequently a reliance on evidence not introduced in the SoC.
4. There was evolution of the case during the appeal process. The Appellant's witness accepted in cross examination that he had continued to review the supply.
5. Whilst the reason for refusal stated the Council had a minimum of 10 years supply for economic development land, no intention was given to it being disputed. The Council had to produce two additional rebuttal proofs of evidence to address this issue. This was procedurally unreasonable and put the Council to unnecessary expense.

The response by CP Logistics UK Reading Propco Ltd.

6. The SoC was produced with no examiners report, no adopted local plan review and no Statement of Common Ground. The Appellant was challenging deliverability prior to the deadline for exchange of proofs of evidence.
7. The supply is mentioned in the reason for refusal, and it is up to the Council to demonstrate how the supply is going to happen and whether it is realistic.
8. This issue is linked to the principle of development and was an important consideration in the case. The deliverability of the appeal site needs to be seen in the context of the allocated sites.
9. The supply is not static but is shifting. This was illustrated by the updated position on site ESA1.
10. The Council's witness should have been prepared to robustly defend the Council's supply evidence and should not have expected otherwise.

Reasons

11. 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.
12. The supply was mentioned in the reason for refusal and therefore was a matter that did warrant consideration at the Inquiry.
13. The supply was also a relevant consideration in terms of the principle of the proposal as well as the significance of its deliverability. It was therefore proper that the Inquiry had submissions on this aspect, and therefore the Council's rebuttal evidence was necessary.
14. The information informing the supply position is forever changing and it was only right that I had the best available information on which to make my decision. The evidence also allowed me to consider the future prospects for the supply which was material to my consideration.
15. The Inquiry timetable and process were able to accommodate the submission of the further rebuttal evidence to allow consideration of the supply.
16. For the above reasons I conclude that the Appellant has not acted unreasonably, and that the Council has not been put to wasted time and expense defending the appeal. Therefore, an award of costs as described in the Planning Practice Guidance is not justified.

John Longmuir

INSPECTOR