
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 CP Logistics UK Reading Propco Ltd.

2. The submission was made in writing for a partial award of costs in relation to the first reason for refusal.
3. Substantial concessions in cross examination should have led to the withdrawal of defending the first reason for refusal.
4. The employment requirement is a minimum and should have been re-visited in the light of this proposal.
5. Theale is a rural service centre. The Council conceded that development would not be precluded. The concern about the proposal's lack of support to the rural economy was abandoned.
6. Since the Local Plan was adopted, the employment land supply has reduced. The review process will not be likely to find more sites.
7. The comments from the Economic Development Officer were not properly recorded or duly considered.
8. The proposal has no residential amenity implications, thereby avoiding policy conflict.
9. A robust case was submitted to show the appropriateness of the proposal for a large building.

The response by West Berkshire Council

10. The Local Plan does not provide all the economic [employment] land required for the plan period. However, it makes provision for short term needs, which was accepted by the Local Plan Inspector bearing in mind national policies.
11. Some points were not disputed and were included in the Statement of Common Ground. This is not unreasonable behaviour.

12. During cross examination it was accepted that the proposal would contribute to the rural economy. Such examination is commensurate with the purpose of an inquiry.
13. The parties disagreed about the wording in the policy of "limited in scale". The Council's position has always been clear that the proposal is excessive for this location on the edge of Theale.
14. In terms of reducing supply, the situation on the allocated ESA1 site was always known about and expressly noted by the Local Plan Inspector. A footnote is included under that policy. Even so the supply is equivalent to 11.5 years.
15. The Council should not be criticised for 'optimism' about post-adoption review of the employment land supply. This was expressly endorsed by the examining Inspector.
16. In terms of the Economic Development Officer's comments, it was never disputed that the proposal performs very well when considered purely from an economic perspective. The original response was available to the decision maker and was not required to be quoted in full in the delegated report. The proposal was reviewed against Policy DM35 criteria in evidence set out in paragraphs 3.3 and 3.11.
17. The final point of the objection in the first reason for refusal needs to be read in full : 'separation and distinction between the residential settlement of Theale and the commercial area to the south, which would be eroded by the proposed development'. This is a reasonable concern. The Council has never suggested that there were residential amenity objections to the proposal.

Reasons

18. 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.
19. A concession was clearly made accepting the proposal's benefit to the rural economy, which was contrary to the stance in the reason for refusal. Nonetheless this needed to be considered as part of the benefits in the heritage and planning balances and so the Appellant's coverage in evidence was necessary.
20. The Local Plan Inspector acknowledged the shortfall and the future review process, in finding the Plan sound. Therefore, the use of minimum in the policy wording was not fundamental to my consideration here. Whilst the shortfall was a material consideration, the weight that it should be accorded was a matter of judgment. Accordingly, I find the Council was not unreasonable in its approach.
21. Relatedly, the constraint on ESA1 was known and evident, so the Council was not unreasonable. In addition, as I noted in the main decision, the number of years supply required is not specified in the Planning Practice Guidance and the Council have relied upon the very recently adopted Local Plan.
22. The case involved the interpretation of various policies. The Council considered the relevant policies and explained their particular view on the need for the development and appropriateness of the proposed building. Whilst I did not agree with that view, case law has established that the interpretation of these policies is a matter for the decision maker. Consequently, the Council was entitled to arrive at their view.

23. The Economic Development Officer's comments were very succinctly summarised, and the Inquiry benefited from them being reproduced in full. Nonetheless the case officer would be expected to be the person summarising such comments for a delegated report and the officers would have had ready access to the original in their decision making.
24. The Council did make clear that residential amenity would not be harmed, and this was accepted in the Statement of Common Ground. The Council's concerns related to other criteria.
25. For the above reasons I conclude that the Council has not acted unreasonably, and that the Appellant has not been put to wasted time and expense in pursuing the appeal. Therefore, an award of costs as described in the Planning Practice Guidance is not justified.

John Longmuir

INSPECTOR