



Costs Decision

Site visit made on 22 May 2025

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st August 2025

Costs application in relation to Appeal Ref: APP/W0340/W/24/3352817

The Shieling, School Lane, East Garston, Hungerford, West Berkshire RG17 7HR

- 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 Mr & Mrs John Prince for a full award of costs against West Berkshire District Council.
- The appeal was against the refusal of planning permission for use of land as residential curtilage.

Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance 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. As part of the planning application, the applicants referred to, and provided a copy of, an appeal decision for the change of use of the appeal site and other adjoining land that was dismissed in September 2023¹. That appeal was dismissed on the basis that the proposal would not represent an acceptable form of development with particular regard to flood risk. However, the Inspector found no harm in relation to the effect on the character and appearance of the area or the landscape and scenic beauty of the North Wessex Downs National Landscape.
4. Despite that information being provided with the planning application, the Council did not have regard to the appeal decision when determining the application, as demonstrated in the officer report. As that decision was a material consideration due to it including the current appeal site, the Council not having regard to it in its determination of the application was unreasonable behaviour.
5. However, as confirmed by the Council's appeal statement, even if it had taken the appeal decision into account, given that the appeal was for a different land use to the appeal before me, the Council would have reached the same conclusion. On this basis, the Council would have refused the planning application anyway and the appeal would still have been necessary. As such, the Council's unreasonable behaviour in this respect has not resulted in the applicants incurring unnecessary or wasted expense in the appeal process.

¹ Appeal reference APP/W0340/W/22/3305452

6. The Council's officer report and the decision notice clearly set out its reasoning for refusing the application on the ground that the development causes harm to the character and appearance of the landscape. Given the Council's assessment of the landscape impact, and as Policies CS14 and CS19 of the West Berkshire Core Strategy 2012 seek, in part, to maintain and enhance the character and appearance of the area, including its landscape, it was not unreasonable for the Council to include those policies in the reason for refusal.
7. I note that the Council considered whether there would be any ecological benefits arising from the proposal but did not find any. It also found that there are very limited public benefits. The officer report sets out that the consideration of potential benefits was included in the planning balance and as no notable public benefits were identified, the conflict with the development plan was not outweighed. It was not unreasonable for the Council to consider potential benefits as part of a balancing exercise. Nor was it unreasonable to set out in the decision notice that there are no identifiable benefits, including ecological, that outweigh the non-compliance with the development plan and harm to the character of the area.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted. I have also considered whether a partial award should be made, but I reach the same overall conclusion.

K Reeves

INSPECTOR