
Costs Decision

Site visit made on 10 September 2025

by **Lewis Condé BSc, MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 September 2025

Costs application in relation to Appeal Ref: APP/W0340/W/25/3367580
Rosewood, Longmoor Lane, Mortimer Common, Reading, West Berkshire
RG7 3RP

- 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 and Mrs N Grover for a full award of costs against West Berkshire District Council.
 - The appeal was against the refusal of planning permission for demolition of existing bungalow and garage and replace with a new detached custom build dwelling and triple garage.
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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 (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 appellants' application for costs largely relies on whether the pre-application advice given by the local planning authority (LPA) was subsequently followed in determining the application. The appellants consider that had they known that planning permission would not be granted, they would not have proceeded with the purchase of the property.
4. It is important to firstly recognise that pre-application advice is given without prejudice and cannot pre-determine the outcome of a subsequent application, which must take account of all relevant factors. This is clearly reflected in the LPA's pre-application response letter, which includes a disclaimer and detailed caveats on the scope of the response. Additionally, the quality of pre-application advice will largely depend on the extent and quality of information that is provided to the LPA to consider, again a matter that is alluded to within the above referred to disclaimer.
5. The pre-application submission was accompanied by photographs of the existing property and a location/block plan. No detailed drawings of the proposed replacement dwelling were provided, but instead a written indication of its approximate scale. Accordingly, the LPA's response was understandably vague on the likely acceptability of the scheme presented, instead predominantly highlighting the relevant policy considerations and the general application requirements.
6. Indeed, the LPA's written pre-application advice specifically states that "*No indication of the proposed design has been submitted as part of the pre-application*

submission, apart from that it would be two storeys and have a footprint of approximately 23x12m. As such, it is not possible to give detailed design advice”.

7. Furthermore, the LPA's pre-application response does not identify the presented proposal as being acceptable, nor does it provide any detailed commentary on the proposed scale of the development. Instead, it merely indicates a replacement dwelling at the site is acceptable in principle subject to meeting further design criteria established under several development plan policies¹, including that the replacement dwelling would need to be proportionate to the size and scale of the existing dwelling.
8. The planning application that followed included a full range of plans and drawings that would have allowed the proposal to be more accurately appreciated by the planning officer dealing with the case than the pre-application submission. The application proposal, as well as reducing the scale and volume of the dwelling, also involved other significant changes to that indicated at pre-application stage. This includes the introduction of a triple garage and changes to the precise siting of the replacement dwelling.
9. Given the above matters, I do not find the Council's approach to determining the subsequent planning application to be inconsistent with its previously issued advice. Nor do I consider the appellants' view that the proposed development should have been found acceptable given that it was smaller than the scheme submitted at pre-application stage to have any significant merit.
10. During the application process, the planning officer changed his view as to the acceptability of the scheme. This would understandably be frustrating for the appellants who had anticipated an approval. However, a change in professional opinion following further consideration of a scheme is not particularly unusual, nor does it amount to unreasonable behaviour.
11. The outcome of the application will have been of great disappointment to the appellants. Nevertheless, given the above, I do not consider that the LPA acted unreasonably in reaching its decision. Indeed, following consideration of the application on its merits alone, I have concurred with the Council.
12. The appellants have also expressed concerns regarding the Council's unwillingness to engage in further discussions on the proposal, including considering alternative design options that could instead have been progressed. Although this must have caused the appellants some concern, I find nothing to suggest that a decision was not reached on the basis of the merits of the proposal, as submitted by the applicant. The Council has also highlighted that due to resourcing issues and pressures to meet statutory targets for determining planning applications, it has been necessary to introduce more stringent protocols on the negotiating of application proposals.
13. Consequently, unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated and an award of costs is not warranted.

Lewis Condé

INSPECTOR

¹ Adopted development plan policies at the time of the issuing of the advice.