
Costs Decision

Site visit made on 24 July 2025

by **G Sibley MPLAN MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 October 2025

Costs application in relation to Appeal Ref: APP/T0355/W/25/3359678

Land north of Kiln Cottage, Warren Row Road, Knowl Hill, Reading RG10 9YJ

- 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 David Bond for a full award of costs against the Council of the Royal Borough of Windsor and Maidenhead.
 - The appeal was against the refusal of planning permission for subdivision of building to create 5 units for B2/B8 use, with adjoining yard for ancillary parking and defined outdoor storage areas. Alterations to existing building to provide internal dividing walls, WCs in each unit and 5 roller shutter doors. No extensions.
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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 PPG advises that all parties are expected to behave reasonably throughout the planning process. Although costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceedings, behaviour and actions at the time of the planning application can be taken into account in the Inspector's consideration of whether or not costs should be awarded.
4. With regard to the extent of land that could be considered previously developed land, as far as I have been made aware a lawful development certificate has not been approved to confirm the extent of the land associated with the permitted use on the appeal site. The purpose of the application was to determine the proposal with regard to the development plan and other material considerations which differs from a lawful development certificate application. The Council made a planning judgement based on an objective analysis of the material considerations that were before it when considering the application.
5. The weight to attribute to the material considerations is a matter of planning judgement by the decision maker. With regard to the Council's assessment of the case and its conformity or not with Green Belt policy, this was based on the officer's planning judgement, and cogent and compelling reasons were clearly set out in the Officer's Report and the Council's Statement of Case. The Council also undertook an objective analysis of why it came to a different conclusion to the Inspector for appeal decision Ref: APP/R5510/W/22/3306805. The Council considered the

proposal with regard to what is now paragraph 154h) of the Framework in its Statement of Case and the matters in dispute are matters of planning judgement.

6. Taking into consideration the evidence that was before it, the Council did not make vague, generalised or inaccurate assertions about the proposal's impact, substantiated its reasons for refusal within its evidence and it did not prevent development that should clearly have been permitted. As a result, it is not evident that the entire appeal could have been avoided or that its actions have led to wasted expense at the appeal stage.
7. Whilst the application was not determined within the statutory deadlines, there were extenuating circumstances insofar as the correct publicity procedures were not undertaken. The Council should have undertaken the correct publicity requirements at the time the application was submitted; however, it did seek to rectify the matter with limited delay. I do not consider a delay of less than a month in the determination of the application to amount to unreasonable behaviour, in light of the extenuating circumstances and it is not evident that this has led to wasted expense in the appeal process.
8. The applicant was disappointed with the Council's handling of the application, procedures, and outcome. However, taking into consideration the submitted evidence, the Council's submissions were, on balance, sufficient to substantiate its case and its behaviours and actions at the time of the planning application and this appeal have not resulted in unreasonable behaviour or unnecessary and wasted expense at the appeal stage. As such, an award of costs is not justified in this instance.

G Sibley

INSPECTOR