



Costs Decision

Inquiry held on 12 August 2025

Site visit made on 14 August 2025

by **Guy Davies BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9th October 2025

Costs application in relation to Appeal Ref: APP/X0360/W/25/3364304

Land between Lodge Road and Tape Lane, Hurst RG10 0EG

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mactaggart and Mickel Strategic Land for a partial award of costs against Wokingham Borough Council.
 - The inquiry was in connection with an appeal against the refusal of planning permission for the erection of up to 99 new homes, green infrastructure, open space, pedestrian and cycle links, recreational facilities and other associated infrastructure and access points on Lodge Road and Tape Lane with required improvements.
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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 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 parties have differing positions on the relevance of the two trees removed in March 2021, both legally and evidentially. In my appeal decision I have come to the view that for the purposes of paragraph 193(c) of the Framework, the status of the trees is not relevant because the development would not result in their loss. However, I recognise that there is a contrary argument that the retrospective provisions in calculating biodiversity net gain where habitat has been degraded should also apply to national planning policy. The introduction of the requirement for biodiversity net gain is a change in circumstances to the previous appeal on the site. I do not consider that the Council has acted unreasonably in seeking to argue that case.
4. Reference is made by both parties to a recent appeal at Wyse Hill Lodge, Finchampstead. Having heard submissions about the trees on day 4 of the inquiry, I made it clear that I would not be accepting any further evidence on that issue. I have therefore returned the appeal decision and ignored references to it in the costs submissions. Given the conclusion I reach on this issue, it is in any event irrelevant.

Conclusion

5. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.

Guy Davies

INSPECTOR