
Costs Decision

Site visit made on 30 September 2025

by **P N Jarratt BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 October 2025

Costs application in relation to Appeal Ref: APP/T0355/C/24/3340436

Wenzel's the Bakers, 133 Peascod Street, WINDSOR, SL4 1DW

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Wenzel's the Bakers Ltd for an award of costs against the Royal Borough of Windsor and Maidenhead.
 - The appeal was against an enforcement notice alleging alterations to a shopfront.
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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 appellant's application for an award of costs lacks clarity and appears to be targeted more towards a general criticism of the officers' judgment in considering the expediency of taking enforcement action and that spurious enforcement notices are claimed to have been served on two occasions. It is alleged that the Council has not responded in a professional manner and has failed to engage with the appellant. The appellant claims that the Council did not base their decision on the correct drawings, wrongly claimed that the Castle was being harmed and not checking other planning decisions that directly affected the matter.
4. In rebuttal the Council explains its response to planning application 22/01535/FULL, to the enforcement investigations and to the invitation to the appellant to resubmit the application in an amended form taking account of the comments of the Conservation Officer. The Area Team Manager advised the appellant of how to make a formal complaint although none was made, with the appellant considering that this would be unproductive. No subsequent application was made although the appellant was advised about the Council's pre-app service. Two Council Team Managers have engaged with the appellant who has been made fully aware of the issues.
5. It is clear from the manner of the appellant's submissions that his engagement with the Council has not achieved that for which he had hoped. The appellant could have avoided enforcement action by not carrying out works that were unauthorised and by submitting a revised application that overcame the planning concerns of the officers. He could have appealed against the non-determination of the planning

application which appears to have taken more than 6 months to determine and revised drawings could potentially have been considered at that stage if they were available at that time. It is claimed that the enforcement notice should have been avoided had the Council responded to requests to meet and read emails which would have confirmed that the shopfront is not harmful to The Castle. However such an attitude strongly points to much of the 'dispute' as being a totally different professional view between the parties on the extent of any harm caused to the conservation area by the installation of the shopfront. Indeed as the unauthorised works took place well before the determination of the planning application, it seems that the appellant took a calculated risk.

6. The appellant states that the Council has forced the appellant to submit a statement and spend time to respond (to the Council's statement) instead of confirming that they did not wish to reply and not apologising. However, this was the appellant's decision for which he is responsible. Notwithstanding any shortcomings by the Council in the handling of the refused application, which was no doubt caused by the premature installation of the shopfront, or in their subsequent handling of the matter, it should be acknowledged that the Council only has finite resources to engage in meetings outside the formal process.
7. Much of the aggravation caused by the dispute is as a direct result of the failure of the appellant to follow the correct procedures. Whilst this does not justify a level of service that is below reasonable expectations, the behaviour of the Council in respect of the enforcement action has not been so unreasonable in the circumstances.
8. I conclude, therefore, that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

P N Jarratt

INSPECTOR