
Costs Decision

Hearing held on 30 September 2025

Site visit made on 30 September 2025

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2025

Costs application in relation to Appeal Ref: APP/X0360/W/25/3364902

Land East of Warren Lodge, Warren Lane, Finchampstead

- 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 Carl Richards for a partial award of costs against Wokingham Borough Council.
 - The appeal was against the refusal of planning permission for change of use of land for the siting of 2 no. Gypsy and Traveller pitches with creation of a second access off Finchampstead Road and associated installation of soft and hard landscaping
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Decision

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

The submissions for Mr Carl Richards

2. The costs application was made orally at the hearing. The submission was in relation to the matter of Veteran Trees. They allege that the Council did not provide any evidence in either their original consultation response or in its Statement of Case to demonstrate why the trees, notably the 2 Lime trees, were considered to be veteran trees. As a result, the applicant had to appoint a second consultant who specialised in veteran trees in order to address the matter.
3. The applicant's response was that Mr Muir's¹ report was prepared as a secondary report to demonstrate that the trees weren't veteran. This was in response to the consultation response and the associated reason for refusal. The Council has provided no justification or explanation as to why its own evidence was lacking as to why the trees were considered veteran. Instead, it has simply criticised the applicant's evidence rather than producing any of its own.

The response by Wokingham Borough Council

4. The response was made orally at the hearing. The Council's response was that the application has always referred to veteran trees, even in the applicant's original planning application submission. The applicant was aware that veteran trees was a disputed matter and was listed as a main issue on my agenda. Mr Muir's report was published in February 2025 so this report cannot be considered to be reactive to anything that was said at the hearing.

¹ Ancient and Veteran Tree Assessment, Prepared by Paul Muir Principal Arboricultural Consultant of Treework Environmental Practice

Reasons

5. 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.
6. The issue of veteran trees was raised in the original Arboricultural Statement² submitted by the applicant with the planning application and has always been a relevant matter for consideration. At the time of the decision, the Council had reasonable concerns regarding the potential impact of the proposed development on veteran trees. These concerns justified its decision based on the information available at that time. However, I acknowledge that the Council did not provide any further evidence to substantiate the veteran status of the trees.
7. Mr Muir's report was published after the decision was issued. The submission of additional information to rebut the refusal reasons does not, in itself, demonstrate that the Council's judgment was unreasonable. However, at the hearing, the Council conceded that the two Lime Trees, while notable and close to veteran status, did not exhibit visible veteran characteristics.
8. Nevertheless, the Sweet Chestnut tree was accepted as a veteran tree. The matter of veteran trees therefore remained a relevant issue at the hearing. Even if the Council had conceded earlier on the Lime Trees, the appellant would still have needed to produce evidence to address the refusal reason concerning veteran trees. While the scope of Mr Muir's report may have been reduced, it would not have avoided the appeal, and no time was wasted in the process. I have also ultimately found in favour of the Council on this particular matter.
9. Accordingly, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred. An award of costs is not warranted.

Laura Cuthbert

INSPECTOR

² Arboricultural Statement, dated 05.06.24, ref LAS_746