
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 Wokingham Borough Council for a partial award of costs against Mr Carl Richards.
 - 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 Wokingham Borough Council

2. The costs application was made orally at the hearing. The submission of the Council outlined that the original application was submitted as a speculative application. At the hearing, layout changes were discussed which put the highways officer in a difficult position, changing their position, as well as having a knock on effect on landscape and trees. The personal circumstances of the appellant have also been expanded upon. If this information was submitted during the application process, then the application may have been assessed differently. The possibility of a Traffic Regulation Order (TRO) being conditioned would result in further work and a further delay.
3. The Council responded saying that the highways officer thought he was responding on a revised scheme and that the possible changes could have been discussed earlier. It stated that a TRO would be necessary to prevent standing cars on Finchampstead Road otherwise the highways officer would be maintaining an objection. It also set out that the use of motorised caravans to overcome any concerns regarding manoeuvring and parking wouldn't be able to be conditioned.

The response by Mr Carl Richards

4. The response was made orally at the hearing. The appellant set out that unreasonable behaviour has not been demonstrated. There had been no changes to the layout, the discussions were in regard to the use and construction of the northern access which were not unreasonable. The discussions around the personal circumstances and the possibility for a personal condition were not unreasonable and are not unexpected in a gypsy and traveller hearing. In regard to the highway works, alternatives were discussed including the use of motorised caravans, in case I were to find harm. They were simply discussed as options,

along with the possibility of a TRO, neither of which the appellant considers are necessary.

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. It is neither unusual nor unreasonable for personal circumstances to be expanded upon during hearings relating to Gypsy and Traveller appeals. The appellant's personal circumstances would have needed to be verbally discussed at the hearing regardless. It was therefore not unreasonable for the appellant to provide further details at the hearing, including how touring caravans would be manoeuvred and the likely car ownership of the appellant and their wider family.
7. Similarly, it was not unreasonable for the use and construction of the northern access to be discussed further. The appellant had indicated this possible change in their Statement of Case, and the Council referred to it in their own appeal evidence¹. The discussion regarding the potential alteration of the northern access did not affect the parking and access arrangements associated with the eastern access, so no time was wasted by the Council in considering the previous arrangement.
8. I acknowledge that the Council spent time during the hearing considering the implications of the changes in relation to highways, landscaping, and trees. These matters, alongside the potential use of a TRO to control parking on Finchampstead Road and the possible use of motorised caravans, were all discussed collectively at the hearing. However, apart from the time discussing these scenarios at the hearing, they did not result in any wasted or unnecessary expense being incurred by the Council during the appeal process. Ultimately, neither a TRO nor the use of motorised caravans were considered necessary for me to find in favour of the appellant on the matter of highway safety.
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

¹ Paragraph 3.7 of the Highway DC Appeal Statement