



Costs Decision

Site visit made on 10 October 2025

by R Gravett BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th November 2025

Costs application in relation to Appeal Ref: APP/X0360/W/25/3363174

178 Bearwood Road, Barkham, Wokingham RG41 4SH

- 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 Joseph Kay for a full award of costs against Wokingham Borough Council.
 - The appeal was against the refusal of grant of planning permission for “full application for the proposed erection of 1 no. four bedroom detached dwelling with associated landscaping following demolition of the existing dwelling and garage” without complying with conditions attached to planning permission Ref 240665, dated 28 June 2024.
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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. First, I note the Council’s concerns regarding the timing of the application for costs, which was submitted well beyond the final comments stage but before the site visit was arranged. The PPG advises that applications for costs should be made as soon as possible. In the case of appeals determined via written representations, the costs application must be made in writing by any party no later than the final comments stage, but there is flexibility to set an alternative deadline, which would be notified to all parties¹. This discretion has been duly exercised in this case, and the Council advised accordingly. I am satisfied that accepting the application for costs at this late stage has not prejudiced the Council, who have had the opportunity to make comments, and have duly done so.
4. Unreasonable behaviour can be either substantive (relating to the merits of the appeal) or procedural (relating to the process) in nature. The PPG gives examples of behaviour that may give rise to a substantive award of costs against a local planning authority, which includes preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations and failure to produce evidence to substantiate each reason for refusal on appeal.

¹ Paragraph: 035 Reference ID: 16-035-20161210

5. The applicant seeks a full award of costs on substantive grounds, namely that the Council failed to properly consider the merits of the proposals having regard to development plan policy and associated guidance.
6. The application for costs in part relies on a perceived contradiction between the Council's case and specific paragraphs within a Statement of Common Ground (SoCG), submitted with the appeal. However, the SoCG was not agreed by the Council and accordingly, has had no bearing on my consideration of the appeal.
7. The Delegated Officer Report (DOR) refers to the 'Valued Landscapes Assessment' (2024) (VLA) only insofar as noting that it identifies the site as being within the 'Barkham and Bearwood Valued Landscape.' The Council's Appeal Statement does little more, referring only to the VLA's existence and context, including in relation to paragraph 187 of the National Planning Policy Framework. The VLA is not cited in the Council's reason for refusal. As I set out in my main decision, it is not necessary for a valued landscape to be designated in a development plan for it to be treated as such for development management purposes. Whilst prepared as part of the evidence base for the Local Plan Update, it is not unreasonable for the Council to refer to, or rely upon, the most up-to-date landscape information available to it. Indeed, the applicant's own Planning, Design and Access Statement refers to the VLA and sought to show how the landscape attributes identified apply (or do not apply) to the site.
8. As entitled to do so, the Council has exercised a planning judgement in respect of the benefits to the woodland afforded by the landscape plan, and it is clear from the DOR that this formed part of the overall planning balance. I also note that explicit reference is made in the consultation response from the Team Manager for Planning, Trees and Landscape to the removal of Rhododendron.
9. However, I accept that it is not clear whether the biodiversity net gain (BNG) formed part of that balance. The Council's evidence to the application for costs is that it was not determinative because the application was submitted before the commencement of BNG requirements for small sites. Nevertheless, it is clearly a benefit of the proposal, and the failure to ascribe it weight could amount to unreasonable behaviour. However, I am not persuaded on the evidence before me that such behaviour has caused the applicant to incur unnecessary or wasted expense in the appeal process, or that ascribing it weight (or greater weight) would have changed the outcome of the application. The fundamental disagreement in respect of landscape harm would likely have remained.

Conclusion

10. For these reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, an award of costs is not justified.

R Gravett

INSPECTOR