



Costs Decision

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 December 2025

Costs application in relation to Appeal Ref: APP/T0355/X/24/3351848

Good Shelter, Spade Oak Reach, Cookham, Maidenhead SL6 9RQ

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mrs Fionnuala Oomen for a full award of costs against Royal Borough of Windsor and Maidenhead.
 - The appeal was against the refusal of an LDC for proposed use of a single unit of floating residential accommodation.
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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. Council Officers are not obligated to seek legal advice. They are expected to have sufficient legal knowledge to prepare reports and to support their planning judgement. The delegated report on which the Council rely identifies, in terms, the main issue in this case; "...a material change in the use of land needs to have regard to the character of the use that is lawful, and the character of the use proposed".
4. The Council Officer who prepared the report then properly made an assessment of the character of the proposed use and cannot be criticised for exercising her planning judgement and reaching a conclusion that the proposed use of the mooring would be materially different to the certified lawful use.
5. The Council has not acted unreasonably and the Appellant has not incurred wasted expense. The application for costs thus fails.

John Braithwaite

Inspector