



Costs Decision

Site visit made on 26 November 2025

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2026

Costs application in relation to Appeal Ref: APP/R0335/W/25/3365318

Land Adjoining Pine Acres, Birch Lane, Ascot, SL5 8RF

- 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 Stephen Luck for a full award of costs against Bracknell Forest Borough Council.
 - The appeal was against a grant of planning permission subject to conditions.
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Decision

1. The application for a full award of costs is refused, but a partial award is allowed in the terms set out below.

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. In claiming the costs of the appeal, the applicant contends that the Council behaved unreasonably in relation to consistency in decision making, having regard to caselaw, and imposing conditions that did not meet the tests.
3. The Council concede the conditions imposed relating to the protection of trees (conditions 6, 7, 8, 9, 10, 11 and 12), landscaping (conditions 13 and 14) and a construction method statement (condition 21) did not need to be drafted in the way they were and could thus be amended and/or rationalised so as to reflect those imposed by the Inspector at the adjoining site. The rewording of condition 23 (contaminated land) in the interests of preciseness was also agreed by the Council.
4. In addition, for the reasons set out in my Appeal Decision, I have found that conditions 4 (ground levels), 5 (removal of permitted development rights), 26 (demolition of existing outbuilding) and 24 (construction working hours) do not meet the tests in the Framework and have subsequently been removed.
5. Therefore, unreasonable behaviour on behalf of the Council resulting in wasted expense in the appeal process, as described in the PPG, has been demonstrated, and the appellant has been put to unnecessary expense in defending the appeal in relation to these conditions. Nonetheless, conditions 18 (drainage) and 27 (provision of accessible and adaptable dwellings) do meet the tests in the Framework and imposing them is not inconsistent with the decision at the adjoining

site¹, given the circumstances of the case. Consequently, as the appeal could not have been avoided altogether, a partial award of costs only is justified.

Costs Order

6. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Bracknell Forest Borough Council shall pay to Mr Stephen Luck, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in addressing the case in relation to conditions 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 21, 23, 24 and 26.
7. The applicant is now invited to submit to Bracknell Forest Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, such costs shall be assessed by the Senior Costs Office.

E Worley

INSPECTOR

¹ Appeal C Ref APP/RO355/W/21/3279270