



Costs Decision

Site visit made on 5 January 2026

by **D R Kay BA Dip.Arch RIBA**

an Inspector appointed by the Secretary of State

Decision date: 11 March 2026

Costs application in relation to Appeal Ref: APP/R0335/W/25/3374017 Unit 1 Bracknell Beeches, Old Bracknell Lane West, Bracknell, Berkshire, RG12 7BW

- 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 Weston Homes Plc for a full award of costs against Bracknell Forest Borough Council.
 - The appeal was against the refusal of the Council to grant, subject to conditions, planning permission for the erection of 7 new buildings ranging from 4 to 16 storeys comprising 349 residential dwellings, 294sqm of flexible commercial/community floorspace (flexible use class E/F use), new station access and associated car parking, cycle parking and landscaping following demolition of existing buildings without complying with a condition (condition 11) attached to planning permission Ref 23/00438/FUL/APFULZ dated 6th June 2024 which itself was a S73 to vary planning permission Ref 21/00701/FUL, dated 8th March 2023..
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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. Unreasonable behaviour on the part of a local planning authority may include several reasons, which are defined in the PPG. In claiming the costs of the appeal, the applicant submits that the Council has acted unreasonably in substantive terms. It is asserted that the Council have prevented or delayed development; have made vague, generalised and inaccurate assertions; have not determined similar cases in a similar manner; and have imposed a condition which does not meet the relevant tests. As a result, the applicant has been forced to appeal against the Council, causing the applicant to incur unnecessary or wasted expense in the appeal process.
4. Preventing or delaying development – In this regard, the disputed condition is a pre-occupation condition. A form of development has clearly commenced on the site and is ongoing, as was clear at my site visit. The applicant could have either disputed the condition at any time since the original permission (21/00701/FUL) was granted or could have submitted proposals to discharge it. The imposition of the condition by the Council, either on the original permission or on the subsequent section 73 permission (23/00438/FUL), has evidently not prevented development, or resulted in its delay.

5. Vague, generalised and inaccurate assertions – In this regard, I find that the Council, in reviewing the s73 application found conflicts with policy which they determined sufficient to warrant refusal of the application, as they would be entitled to do in exercising their Planning and Compulsory Purchase Act 2004 section 38(6) duties. However, whilst I have done the same in the main appeal and have come to a different conclusion than the Council, I do not find the Council to have acted with substantive unreasonableness.
6. Not determining similar cases in a consistent manner – In this regard, I find that owing to the relative location, housing mix type and overall size of development, the appeal site scheme and the adjacent Coopers Hill development, cannot be considered similar, to one-another. I therefore find that the Council have not acted in a substantively unreasonable manner in considering the two adjacent developments under individual, site-specific criteria, and how they each comply with relevant development plan policy.
7. Imposing a condition that does not meet the relevant tests of paragraph 57 of the Framework – In this regard, I find that this matter turns on the Council's view of the steepness of the access pathway within the Coopers Hill development, and whether it provides a satisfactory means of access to the nearby rail and bus stations and Town Centre, for those with mobility issues. Whilst I have found, in the appeal, that it does provide a satisfactory means of access for those with mobility issues, and therefore that condition 11 would not be reasonable or necessary, the Council, in exercising their Planning and Compulsory Purchase Act 2004 section 38(6) duties, would be entitled to reach a different conclusion. I do not, therefore, find the Council to have acted with substantive unreasonableness.

Conclusion

8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

D R Kay

INSPECTOR