



Costs Decision

Site visit made on 16 March 2020

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 May 2020

Costs application in relation to Appeal Ref: APP/W0340/W/19/3243107 19 and 19a High Street, Theale, Reading RG7 5AH

- 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 TA Fisher Developments Ltd. for a full award of costs against West Berkshire Council.
- The appeal was against the refusal of the demolition of existing building and construction of 15 no. dwellings, 2 retail units (use class A1/A2/A3), associated access, parking and landscaping.

Decision

1. The application for an award of costs is refused.

Reasons

2. 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. The costs application alleges that despite Council officers recommending that planning permission be granted for the proposal, Council Members took a different course of action without adequate reason to do so. The applicant also contends that the Council made subjective decisions on technical matters without corroborating evidence of such decisions, contrary to the views of the Council's professional officers and their respective disciplines. According, as a consequence the applicant alleges that he has incurred unnecessary and wasted expense in making the appeal.
4. I have noted the recommendation of the Council's officers. However, Planning Committee Members came to a view that the impact of the proposal would outweigh the benefits, resulting in harm to the character of the area, the living conditions of future and existing neighbouring occupiers and would be in conflict with affordable housing objectives.
5. Therefore, notwithstanding the advice of professional Officers, Committee Members were entitled to assess the effect of the proposal and apply different weight to these effects. This is especially as the officer report was written 'on balance'. Also, Members visited the site prior to reaching a decision. Furthermore, the committee minutes reflect that meaningful debate and discussion took place at the meeting. During the meeting Members interrogated both the objector, who spoke at the meeting, and the agent of the

planning application. Consequently, I am satisfied that Members were well informed before making a decision and properly considered the proposal.

6. Furthermore, the Council's Statement of Case has provided a clear and detailed explanation as to why the Council refused the proposal contrary to officer advice. I have also noted that extensive engagement was undertaken by the applicant both before and after submission of the planning application. Notwithstanding this dialogue, the Council has since substantiated the concerns of the Committee on matters that were largely subjective. The Council has therefore provided adequate justification for its stated objections to the proposal. Although I have not concurred with the Council's conclusions in my main decision, its evidence illustrates that the proposal was refused on reasonable planning grounds.
7. I am therefore satisfied that Committee Members properly assessed this matter objectively on the basis of the evidence provided to them. Although I have concluded that their concerns were not sufficient to dismiss the appeal, I do not consider that the Council's decision was so fundamentally flawed or without foundation as to amount to unreasonable behaviour.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Ben Plenty

INSPECTOR