



Costs Decision

Site visit made on 25 March 2026

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 08 April 2026.

Costs application in relation to Appeal Ref: 6002585

Land at Lands End House, Beggars Hill Road, Twyford RG10 0UD

- 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 Wokingham Borough Council for a partial award of costs against R Potyka.
 - The appeal was against the refusal of permission in principle for single detached dwelling.
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Decision

1. The application for a partial award of costs 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.
3. The Council has made an application for an award of costs against the appellant in relation to its fourth refusal reason, which relates to the effect of the proposal upon the woodland, which is subject to a tree preservation order. The Council submits that the information provided by the appellant in relation to the TPO was inadequate. The Council is of the view that an arboricultural impact assessment, tree constraints plan, information regarding the presence, condition and protection of veteran trees and evidence demonstrating how the proposal would avoid harm to protected trees should have been submitted to ensure that the constraints posed by the TPO could be properly understood.
4. The appellant is however of the view that the information submitted in relation to this issue, which included a topographical survey that informed the root protection areas of the existing trees, is sufficient to understand the TPO constraint, with a particular emphasis placed on the limited level of detail usually required at the permission in principle stage. Indeed, the appellant confirms that the site area and indicative layout is primarily derived from the constraint posed by the TPO. In submitting this information, I am satisfied that the constraint posed by the TPO was considered by the appellant. The dispute between the appellant and the Council as to whether the level of information submitted was sufficient and whether the matter should be considered in greater detail at the permission in principle stage is a matter of dispute between the parties that is appropriately outworked at the appeal stage.
5. In my decision I found that the information the appellant has submitted was not adequate, and that the constraint posed by the TPO goes to the heart of whether

the site is suitable for the erection of a dwelling as a matter of principle. I am however not satisfied that the appellant's behaviour in respect of this matter was unreasonable.

6. The Council raised a further matter in response to the late submission of copies of the grant of consent for tree works, which was brought to my attention at the site visit. Copies of the relevant decisions were subsequently provided in writing, and the Council was invited to comment. It is unclear why this information was provided at this stage and not earlier in the appeal process. Both consents had been issued before the final comments stage of the appeal. This constitutes unreasonable behaviour on the part of the appellant. Although these consents would have been a matter that the Council was aware of, it has spent time and effort addressing this matter in the context of the appeal. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated in respect of the late submission of the details of consent for tree works at the site, and a partial award of costs is warranted.

Costs Order

7. 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 R Potyka shall pay to Wokingham Borough Council, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in responding to the appellant's late submission of the details of consent for tree works at the site; such costs to be assessed in the Senior Courts Costs Office if not agreed.
8. The Council is now invited to submit to R Potyka, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

A Tucker

INSPECTOR