



Costs Decision

Hearing held on 9 June 2026

Site visit made on 10 June 2026

by A McCormack BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06/08/2026

Costs application in relation to Appeal Ref: APP/X0360/W/26/6005646 Land West of Edney's Hill, Barkham Road, Barkham Hill, Wokingham, Berkshire RG41 4TG

- 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 Abbeymill Homes Limited for a full award of costs against Wokingham Borough Council.
 - The appeal was against the refusal of planning permission for the erection of 16no. flats and houses with new access off Edney's Hill, together with car ports, parking, footpaths, landscaping and all enabling works.
-

Decision

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

The submissions for Abbeymill Homes Limited

2. The initial costs application was submitted in writing. Additional points were made verbally at the hearing.

The response by Wokingham Borough Council

3. The Council's response to the initial written costs application submission was made in writing. The Council's response to the additional points made verbally at the hearing was also submitted verbally.
4. However, whilst detailed notes were made of the verbal submissions at the hearing, in addition to those, and for clarity and fairness, the applicant was asked to provide their complete costs application in writing. Equally, the Council was asked to submit its complete rebuttal to all grounds identified. These arrangements were agreed and accepted by both parties and the written submissions were received and accepted by me on 13 June 2026, following the close of the hearing. I am satisfied that all grounds submitted for this costs application have been responded to by the Council and all these matters are assessed by me in this Costs Decision.

Reasons

5. 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. Unreasonable behaviour may be procedural or substantive in nature.

6. The applicant seeks a full award of costs against Wokingham Borough Council, alleging both substantive and procedural unreasonable behaviour in the determination of planning application reference 251486 and during the subsequent appeal process. The costs application principally concerns the Council's reasons for refusal relating to locational sustainability, highways, residential amenity, noise, trees, biodiversity net gain, the application of the tilted balance and the availability of Suitable Alternative Natural Greenspace (SANG) capacity.
7. In relation to locational sustainability, the applicant argues that the Council acted inconsistently in its reasoning and assessment when compared with previous applications and appeals relating to the site and nearby developments. However, a local planning authority is entitled to reach a different planning judgement where material considerations differ. The appeal proposal represented a materially larger scheme than those previously considered and the assessment of the proposal in this case was undertaken against more recent national and local transport guidance, together with a revised policy context placing greater emphasis on sustainable travel choices.
8. Whether or not this position is ultimately persuasive on the planning merits is separate from the question of unreasonable behaviour. The evidence demonstrates that the Council has provided a reasoned explanation for its position rather than relying on vague, generalised or unsupported assertions. Consequently, I am not satisfied that the Council has acted unreasonably in pursuing the relevant reason for refusal.
9. Similar considerations apply regarding the Council's concerns about accessibility to public open space and the requirement for a noise assessment. The Council has explained why it considered the scale of development proposed, together with the policy framework and characteristics of the site, justified those concerns and why supporting technical evidence was required at the application stage. The fact that these matters may not have arisen on earlier proposals does not, in and of itself, demonstrate unreasonable behaviour. Rather, it reflects a professional assessment of the scheme it is presented with. Moreover, it is reasonable to consider that each proposal must be assessed and determined on its own merits.
10. With respect to highway matters, the applicant contends that sufficient technical information accompanied the application to support it and that the Council unreasonably maintained concerns regarding the access arrangements for the site and traffic impacts. However, the Council's evidence indicates that the local highway authority did not agree with the conclusions drawn from that information and considered that the proposal failed to demonstrate satisfactory access arrangements. Disagreement between technical experts does not amount to unreasonable behaviour. There is nothing before me to indicate that the Council's concerns lacked evidential foundation or were advanced unfairly or in bad faith.
11. The applicant also challenges the Council's reasons for refusal relating to trees and biodiversity net gain (BNG), particularly the treatment of tree T20. It is noted that the Council accepts that concerns relating to tree T20 were not identified when the application was originally determined and that the matter only emerged following a review of the appeal scheme. Nevertheless, this review arose from further specialist consideration which was sought and undertaken in response to amended appeal proposals submitted by the applicant and the subsequent interpretation of the tree's status and required protection. Whilst the Council's position has evolved,

local planning authorities are entitled to review technical matters as additional information becomes available during the appeal process. On the evidence before me, this change of position in this case does not amount to unreasonable behaviour on the part of the Council.

12. Similarly, the parties remain in disagreement regarding whether treeT20 should be treated as being within the application site for BNG purposes. The Council's view is based on the submitted plans and supporting documents, including information provided by the applicant. Although the applicant strongly disputes the interpretation of the Council's tree specialist, I am not persuaded that the Council acted irrationally or without evidential support in reaching its conclusions.
13. The applicant further contends that the Council materially altered its position regarding the application of the tilted balance in this case. However, the Council has explained that its reassessment followed its updated position regarding the status of tree T20 and the application of national policy relating to irreplaceable habitats. Planning balances frequently evolve as appeals progress and additional evidence is examined. I find nothing inherently unreasonable in a party refining its planning balance where it is supported by reasoned explanation and evidence. I find that to be the case here.
14. It is noted that the Council accepts that concerns regarding overlooking from Plot 11 could have been addressed by condition and that subsequent amendments to the scheme resolved that issue. However, even if reason for refusal 5 may have been capable of resolution by condition, that fact alone would not, and does not, justify a full award of costs. The appeal involved numerous substantive areas of dispute, many of which have remained outstanding. Moreover, there is insufficient evidence to indicate that the inclusion of this single reason for refusal resulted in the applicant incurring significant unnecessary or wasted expense beyond that which would have arisen in pursuing the planning application and the appeal generally.
15. The applicant also takes issue with the Council's position regarding the use of capacity at Rooks Nest Wood SANG. The evidence shows that the Council advised the applicant during both the application and appeal processes that alternative mitigation arrangements may be required and subsequently provided information regarding other potential SANG options and mechanisms for securing mitigation. Whatever view may be taken of the Council's approach to allocating SANG capacity, the evidence before me does not demonstrate behaviour that was unreasonable or that directly incurred unnecessary expense.
16. More generally, the applicant argues that the Council failed to engage constructively and introduced new matters during the appeal process. The evidence indicates to me, however, that the Council determined the application within the statutory timescale, provided consultation responses to the Appellant before determination, and engaged during the appeal process in a manner that resulted in a number of issues being narrowed or resolved. While the parties clearly disagreed on the merits of the proposal, such disagreement does not, in and of itself, constitute unreasonable behaviour.
17. Having considered all matters raised in relation to this application for a full award of costs, I find that the applicant's submissions largely amount to disagreement with the Council's professional planning judgements and technical assessments. The

PPG makes clear that local planning authorities should not be penalised for reaching decisions which they consider justified by the development plan and other material considerations. In this case, I am not satisfied that the Council's conduct, either in determining the application or during the appeal process, was unreasonable within the meaning of the Guidance. Nor am I satisfied that any alleged shortcomings on the Council's part resulted in unnecessary or wasted expense of a degree that would justify an award of costs, whether full or partial.

18. Therefore, for the reasons given above, I conclude that the alleged unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Accordingly, the application for a full award of costs is refused.

A McCormack

INSPECTOR