



Costs Decision

Inquiry opened on 12 August 2025

Site visit made on 14 August 2025

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th October 2025

Costs application in relation to Appeal Ref: APP/X0360/W/25/3364304

Land between Lodge Road and Tape Lane, Hurst RG10 0EG

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 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 Mactaggart and Mickel Strategic Land.
 - The inquiry was in connection with an appeal against the refusal of planning permission for the erection of up to 99 new homes, green infrastructure, open space, pedestrian and cycle links, recreational facilities and other associated infrastructure and access points on Lodge Road and Tape Lane with required improvements.
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Decision

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

Reasons

2. Although not expressly stated in the costs submission, I have taken the claim as seeking a partial award of costs as it relates to procedural matters concerning the submission of flood risk evidence rather than the appeal as a whole.
3. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance 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.
4. The claim is brought on 3 procedural grounds: not resolving the flood risk issue prior to submitting the appeal; a piecemeal approach to addressing the Environment Agency's objection; and the late presentation of its case on the sequential test.
5. In submitting the appeal, the appellant believed that flood risk was an issue that could be resolved by the submission of further information. Given the discussions that had taken place with the Environment Agency post-decision and the wording of reason for refusal 5, which is based on the absence of satisfactory flood risk information rather than an objection in principle, I consider that to have been a reasonable assumption. I also accept that given the length of time discussions with the Environment Agency were taking, and the time limit on submission of the appeal, it was necessary for the appellant to submit the appeal while still working to resolve the outstanding flooding issue. The Flood Map for Planning had been updated shortly before the appeal was lodged, but at that time it appeared that fluvial flooding was restricted to the western margin of the site, and that flood risk to

the developable area could be addressed through a minor revision to the parameter plan.

6. The discussions that took place between the appellant and Environment Agency were protracted but I would not characterise them as piecemeal. They followed an iterative process. While that process took longer than either I or the appellant anticipated, I see no evidence that there was any reluctance on the part of the appellant to respond to the Environment Agency's feedback, or to provide updated information as requested in a timely manner.
7. Acceptance of the need for a sequential test arose out of the revised flood risk assessment, which indicates that parts of the developable area would be at risk of fluvial flooding. That information was provided in accordance with the extended timescale for flood risk evidence set out following the case management conference. The Council says it had no advanced warning of this change in the appellant's case, although the appellant points to some correspondence which indirectly suggests that a sequential approach was being considered. Either way, because of the postponement of part of the inquiry, the Council had the opportunity to respond to the appellant's sequential test and did so. I appreciate that involved further work on the part of the Council, but it was an inevitable consequence of the revised flood risk evidence and not as the result of unreasonable behaviour on the part of the appellant.

Conclusion

8. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.

Guy Davies

INSPECTOR