



Costs Decision

by **Ken McEntee**

a person appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 26 March 2020

Appeal ref: APP/W0340/L/19/1200307: Application for costs

- The costs application is made under Regulation 121 of the Community Infrastructure Levy Regulations 2010.
- The application is made by [REDACTED] against West Berkshire Council.
- The appeal was made under section 218 of the Planning Act 2008 and Regulations 117(1)(a) and (c) of the CIL Regulations.

Summary of decision: The application fails and no award of costs is being made.

Reasons for the decision

1. The application for costs has been considered by reference to the Planning Practice Guidance on awards of costs (as published on the Gov.uk website), the appeal papers, the VOA costs decision, the correspondence on costs and all the relevant circumstances.
2. It appears clear that the appellant feels the Council acted unreasonably with regards to the request under Regulation 113 to review the CIL charge and to withdraw the Demand Notice. Although it is not stated in the application, it is reasonable to conclude that the appellant is implying that this alleged unreasonable behaviour caused him to incur wasted expense in submitting an unnecessary appeal. However, I consider the findings of the VOA costs decision to be significant in my determination of this application for costs. It concludes that the Council did not act unreasonably in calculating a CIL charge, given that they were not provided with all the relevant information at the time of calculation or at the time of considering the Regulation 113 request for a review of the charge. In these circumstances, I cannot be satisfied the Council has acted unreasonably and caused the appellant to incur wasted expense in submission of this appeal. No award of costs will therefore be made.

Formal decision

3. For these reasons, no award of costs, on grounds of “unreasonable” behaviour resulting in wasted or unnecessary expense, is justified in the particular circumstances.

4. A copy of this letter has been sent to West Berkshire Council.

K McEntee