



Costs Decision

by **A U Ghafoor BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 November 2023

Costs application in relation to: **APP/X0360/L/23/3321626**

- The costs application is made under Regulation 121 of the Community Infrastructure Levy Regulations 2010 (as amended) (hereinafter 'the CIL Regs').
 - The application is made by [REDACTED] against by the Collecting Authority, Wokingham Borough Council ('the CA').
 - The appeal was made under section 218 of the Planning Act 2008 and under Regulations 119(1)(b) of the CIL Reg.
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Decision

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

Reasons

2. Perhaps I am stating the obvious, but parties in planning or related appeals normally meet their own expenses. The applicant's claim is that the respondent behaved unreasonably by inviting them to make a fresh application for planning permission for [REDACTED], ref [REDACTED] dated 2 November 2022. The assertion is that development commenced pursuant to the scheme permitted by permission refs [REDACTED] and [REDACTED], which were granted in April and May 2022. However, my decision explains why I have disagreed with the applicant's approach on this matter. I will not repeat them here.
3. The issues arising in this appeal required interpretation and application of the CIL Regs to relevant facts. There is nothing before me to suggest a fundamental misunderstanding or erroneous interpretation of the CIL Regs and to my mind the respondent correctly determined the deemed commencement date.
4. I consider that the respondent submitted sufficient evidence to demonstrate the reasons why it issued the CIL stop notice. Its reasons for the approach adopted were substantiated on appeal. The applicant had a fair opportunity to respond to all arguments. Even if the respondent's behaviour was deemed unreasonable when it invited the applicant to submit a planning application that was, at least in part, retrospective in nature, no wasted or unnecessary expense has been shown. Indeed, the applicant was afforded an opportunity to regularise unauthorised development. The problem for the applicant is that the residential development permitted by the part retrospective permission is subject to the CIL.
5. For the reasons given above, and having regard to the Planning Practice Guidance, I conclude that no award of costs is therefore justified in the circumstances.

A U Ghafoor

INSPECTOR