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## Costs Decision

Site visit made on 21 September 2020

**by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 October 2020**

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### **Costs application in relation to Appeal Ref: APP/E0345/W/20/3253870 Land adjacent to Thorpe House, Colliers Way, Reading, RG30 2QS**

- 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 Reading Borough Council for a full award of costs against Thames Valley Retirement Homes Ltd.
  - The appeal was against the refusal of planning permission for residential redevelopment to provide 6 no. 3-bedroom dwellinghouses following demolition of no. 16 Kirton Close to provide access.
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### **Decision**

1. The application for costs is refused.

### **Reasons**

2. Planning Practice Guidance advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The Council state that the associated appeal to this Costs application was similar to the recently dismissed appeal (ref: APP/E0345/W/19/3220213) on the same site. The decision for this previous appeal was less than one year ago and the policies were the same as with this subsequent appeal.
4. It is my understanding that the applicant wished to continue with their planning application for the 6 dwellings on this site, even though the 14 dwellings scheme had been dismissed. However, this was the applicant's right to do so.
5. It appears from the applicant's appeal evidence that they disagree with the previous Inspector comments, particularly about the visual impact of the demolition of No 16 Kirton Close for example. However, the appeal proposal is different from that considered under the 2019 appeal, mainly due to the substantial reduction in dwellings proposed. This also makes some difference as to the visual effect of the demolition of No 16, even though I ultimately came to the same conclusion as the previous Inspector on this matter.
6. The differences between the two schemes has also resulted in a different approach to the applicant's arguments as to the merits of their proposal with regards to the loss of open space for example. I also agree with the applicant that their point that the site was not designated open space is correct, but the Inspector found that the site was an undesignated informal open space.

7. It may be that the applicant does not agree with the conclusions of the Inspector with the previous appeal, but they have taken note of much of the contents of the dismissed appeal, such as the proposal including private individual gardens rather than a reliance on communal space, the confirmation that the dwellings would be two storey only, and an attempt to free up space by reducing the proposed dwelling numbers.
8. The 2019 appeal is a significant material consideration with this subsequent appeal, which can be seen from my decision. However, to my mind there is enough of a difference in the overall proposal to conclude that it was not unreasonable for the applicant to take this 6 dwelling scheme to appeal following refusal of the planning application.
9. Overall, I conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

*Steven Rennie*

INSPECTOR