



Costs Decision

Site visit made on 2 August 2022

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 9th August 2022

Costs application in relation to Appeal Ref: APP/E0345/W/22/3291067 220 Elgar Road South, Reading RG2 0BW

- 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 Maxika Homes for a full award of costs against Reading Borough Council.
 - The appeal was against a refusal of planning permission for residential redevelopment comprising demolition of existing single storey building and erection of 16 dwellings together with associated works.
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Decision

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

Reasons

2. 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. In this instance, the applicant argues that the delay in the Council issuing its officer report was indicative of the application being rushed, and not being given due consideration. The applicant further alleges that the Council ignored details which were pertinent to the appeal application, and made a number of inaccurate statements in its assessment of the proposal.
3. Whilst the Council acknowledges that there was a delay in releasing its officer report (following issue of the decision), the reasons for refusal on the decision notice were comprehensive, and demonstrate that the Council had considered the application proposals thoroughly. This is further confirmed by the content of the officer report, which is very thorough in its analysis of the proposal. Moreover, even if the officer report had been issued concurrently with the decision notice, the outcome of the appeal application would still have been the same, and the appeal would not have been avoided. Similarly, the Council's incorrect reference to an 18-unit scheme would again not have altered the Council's decision.
4. The Council's assessment of the proposal with regard to character and appearance was comprehensive, and alluded to the harm arising from the combined impact of the patios, associated paraphernalia and balconies. Whilst ultimately, I concluded that these issues could be adequately addressed through condition (and removal of the patios), the Council was entitled to reach a different conclusion. In any event, its consideration and assessment of harm with regard to character and appearance hinged on a multitude of factors,

which means this would still have constituted a reason for refusal in its decision.

5. On account of these factors, the outcome of the appeal application would have remained the same, irrespective of the Council's handling of the application. In turn, the costs of the appeal would not have been avoided. For these reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated in this instance.

James Blackwell

INSPECTOR