



Costs Decision

Site visit made on 4 July 2024

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2024

Costs application in relation to Appeal Ref: APP/E0345/W/23/3329316 Land adjacent to 28 Southampton Street, Reading, RG1 2QL

- 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 Arcitek Building Design Ltd for a full award of costs against Reading Borough Council.
 - The appeal was against the refusal of planning permission to redevelop the site for a three storey building to provide 6 x 1-bedroom flats.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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.
3. The Council took considerable time to determine the application subject to this appeal and this was a matter considered in the complaint at that time. Costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceeding, although behaviour and actions at the time of the planning application can be taken into account in the Inspector's consideration of whether or not costs should be awarded. Nonetheless, PPG is clear that costs cannot be claimed for the period during the determination of the planning application.
4. The delays would have undoubtedly been very frustrating for the applicant. Notwithstanding this, from the evidence before me, there is no indication that the Council would have granted permission had they made their decision sooner. Therefore, the appeal and costs associated with it would not have been avoided.
5. Although there appear to have been differing opinions from the officers who dealt with the application, there was also correspondence and amendments to the scheme sought. As such, while discussions could have taken place sooner, there was an attempt to overcome certain issues.
6. That parties disagree on the merits of a scheme, or the weight given to matters does not represent unreasonable behaviour in itself. The issues raised inevitably involved some subjective assessment of the proposal. I have found in favour of the appellant in part and conditions could have dealt with some aspects of concern. However, the appeal has been dismissed and the Council

have made an objective analysis in defence of each of the reasons for refusal and linked their concerns to development plan and national policy.

7. Part of my consideration of the appeal scheme related to effects on and from the development adjacent at No 34-38. That permission and the external elements of the building are in place and are relevant considerations. The merits of the scheme at No 34-38 are not matters that affect my consideration of this appeal. That scheme is materially different to the one before me in terms of scale, design and layout as well as its relationship to other nearby buildings. Therefore, I find that it has not been demonstrated that the Council have been inconsistent in their decision making.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Stuart Willis

INSPECTOR