



Costs Decision

Site visit made on 12 March 2025

by B Astley-Serougi BA(Hons) LLM MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 May 2025

Costs application in relation to Appeal Ref: APP/E0345/W/24/3352227

21 Western Elms Avenue, Reading RG30 2AL

- 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 Mr David Graves of Infill Land Consultants.
- The appeal was against the refusal of planning permission for the construction of three town houses.

Decision

1. The application for an award of costs is allowed in the terms set out below.

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. Unreasonable behaviour on the part of an appellant may include introducing fresh and substantial evidence at a late stage necessitating extra expense for preparatory work that would not otherwise have arisen.
4. The application is made on the basis that the appellant provided new pieces of information in the form of reports during the appeal process which had been asked for at application stage.
5. The appellant acknowledges that the reports were provided upon the submission of the original appeal documents. They also highlight that the Council took two months to identify that they had not received multiple of the aforementioned documents.
6. Additionally, the appellant considers that the Council had the opportunity to refuse to validate the application subject to this appeal if it considered documents vital to its assessment were not received. It is not within the scope of the costs procedure to take into account behaviour prior to the appeal.
7. Nevertheless, the Council have provided correspondence that demonstrates its request for the aforementioned information prior to the determination of the application. Moreover, the appellant has had two previous planning applications at the appeal site refused both of which cited ecological harm¹. Consequently, irrespective of the time in which the Council noticed they had not received documents, the submission of these documents during the appeal stage rather than at the application stage amounts to unreasonable behaviour.

¹ Planning Application Ref: 220582 and 221710

8. Therefore, the Council has had to assess the new information contained within the documents and provide comments for the appeal. The appellant considers that this assessment would have had to be done irrespective of when the documents were submitted. However, the submission of the documents at appeal stage resulted in the Council needing an extension of time in order to provide appropriate comments for appeal. Accordingly, this has resulted in unnecessary expense.

Conclusion

9. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs is therefore warranted.

Costs Order

10. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Mr David Graves of Infill Land Consultants shall pay to Reading Borough Council, the costs of the appeal proceedings described in the heading of this decision such costs to be assessed in the Senior Courts Costs Office if not agreed.

The applicant is now invited to submit to Mr David Graves of Infill Land Consultants to whose agents a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

B Astley-Serougi

INSPECTOR