



Costs Decision

Site visit made on 12 August 2025

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2025

Costs application in relation to Appeal Ref: APP/E0345/W/24/3351980 70-78 Wokingham Road, Reading, RG6 1JL

- 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 partial award of costs against Mr Sarwan Chima.
 - The appeal was against the refusal of planning permission for the demolition of existing building and construction of 6 no 3 bed flats and 6 no 2 bed flats over 3 storeys including parking, landscaping, bin and cycle stores.
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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 seeks a partial award of costs in respect of fees that were incurred in the commissioning of an independent review of the viability information that was submitted by the appellant. The Council cites a lack of contact from the appellant prior to an appeal being submitted in order to prepare any necessary planning obligation, and also that it appears that a number of reasons for refusal were capable of being resolved through discussion. The Council also refers me to its supplementary planning document which outlines that it will charge a fee for a review of viability evidence.
4. In this respect, I note that the appellant has submitted viability evidence in respect of the proposed development. While I also note that the Council charge a fee to review such evidence and in this case such a fee has not been paid and it has as a result commissioned a review of the evidence and taken on those costs, I do not find that there has been any unreasonable behaviour on the part of the appellant, and certainly no wasted expense. The Council chose to appoint an independent review of the information and, notwithstanding the policy of the Council to charge for this, it did so without having obtained the fee from the appellant and in the knowledge that it might not recoup this. Moreover, it was not wasted expense in that it was necessary for the Council to do this to support its own case in relation to this issue.

5. I note there is a disagreement between the Council and the appellant in respect of the fee paid for a previous review of viability information. However, that is a matter between the parties and not one that I need to settle.
6. It has also been raised that a number of the issues set out in the reasons for refusal are clearly not in accordance with the development plan and as such the pursuance of these matters by the appellant when appealing is unreasonable. However, the appellant clearly sets out their position in respect of these matters. While I have disagreed with their stance when making my decision, I do not consider it was unreasonable for the appellant to have pursued them.
7. I am conscious that the appellant has accepted that contributions to satisfy refusal reasons 8 and 9 are necessary and that no legal agreement has been provided to secure these. However, in respect of reason 7 pertaining to affordable housing, there remained some disagreement, based on viability, at the time that the appeal was submitted. As such, given that outstanding issue which would require a legal obligation to resolve it, I do not consider that the appellant has been unreasonable in not producing an appropriate legal obligation with the submission of the appeal.

Conclusion

8. Therefore, for the reasons given above, I find that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Martin Allen

INSPECTOR