
Costs Decision

Hearing held on 24 March 2026

Site visit made on 24 March 2026

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 April 2026

Costs application in relation to Appeal Ref: APP/E0345/W/25/3376563

Trinity Hall, South Street, Reading RG1 4QU

- 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 Hardeep Hans (Hanslink) Ltd.
 - The appeal was against the refusal of planning permission for change of use of existing building and extensions to provide 18 apartments.
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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 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 application contends that the appellant acted unreasonably by:
 - a) Submitting revised plans after the Council had prepared its statement of case;
 - b) Contesting matters that had been agreed through the Statement of Common Ground (the SOCG).
4. The appellant submitted revised plans with the appeal, in an attempt to address the Council's reason for refusal relating to character and appearance. The Council had the opportunity to consider these plans and, in its statement of case, said that the minor changes proposed did not overcome the previous concerns. At the Hearing, the Council confirmed that my consideration of these plans would not be prejudicial to any parties.
5. Further revised plans were submitted in response to the Council's statement, which had identified some minor drafting errors on the previously submitted drawings. The Procedural Guide¹ states that the appeal process should not be used to evolve a scheme and there are no provisions within the Rules for amendments to be submitted. However, it goes on to say that, exceptionally, Inspectors may accept amendments later in the process if they are in response to something that could not

¹ Planning Inspectorate - Procedural Guide: Planning appeals – England. For appeals relating to applications dated on or before 31 March 2026

have been known about at the time of making the appeal, and if accepting the amendment would adhere to the guidance on the substance of the change and procedural fairness.

6. In this case, the appellant was responding to errors identified by the Council in its statement of case, so they could not have been known about at the time of making the appeal. The Council accepted at the Hearing that the corrections to the drawings did not result in a fundamental change to the proposal. Furthermore, the Council did not argue that my consideration of the plans would result in any substantive or procedural unfairness. I do not therefore consider that the appellant acted unreasonably in submitting the plans once it became aware of the errors. The Council was not put to any additional expense and, if anything, submission of the plans avoided wasted time at the Hearing discussing the inconsistencies in the drawings, and how I should deal with them.
7. The appellant submitted a draft Unilateral Undertaking (the UU) with the appeal. Whilst the Council concluded that the obligations in the UU would overcome the second reason for refusal, the appellant's statement of case made it clear that the obligations were subject to a "blue pencil clause" in the event that I considered they did not comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010. The appellant's position that neither a financial contribution nor a late-stage review would be compliant with Regulation 122 was clearly set out in the statement. It should, therefore, have been evident to the Council that the appellant would be contesting this issue at the appeal, whether by a Hearing or by written representations.
8. The SOCG confirmed the Council's position that the obligations in the UU overcame its reason for refusal. However, it also confirmed the appellant's view that the financial contribution and late-stage review would make the development unviable, and that the "blue pencil clause" should be the subject of discussion at the appeal hearing. In effect, the SOCG highlighted the continued disagreement between the parties about whether the obligations were necessary and reasonable. The appellant's position on this matter has been clearly stated from the submission of the appeal, through the SOCG, and at the Hearing. Consequently, I do not agree that the appellant has acted unreasonably on this issue.
9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Nick Davies

INSPECTOR