

Costs Decision

Site visit made on 12 January 2017

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 February 2017

Costs application in relation to Appeal Ref: APP/J0350/D/16/3161548 27 Garrard Road, Slough, SL2 2QW.

- 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 Mr P Josan for a full award of costs against Slough Borough Council.
 - The appeal was against the refusal of an application for planning permission for the erection of a side extension with garage on the ground floor and two bedrooms on the first floor.
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Decision

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

Reasons

2. The appellant's application for costs is made on the basis that the Council in deciding to refuse planning permission did not pay heed to national guidance in favour of sustainable development and to proactively work with applicants to achieve such development. Moreover, it is claimed that the Council acted unreasonably, in not taking into account specific survey information on parking; not providing an opportunity to amend the proposal; and put forward reasons for refusal that could not stand up to scrutiny. As such, development that could reasonably have been permitted was refused. This constituted unreasonable behaviour and resulted in the appellant's unnecessary costs of the appeal.

Assessment

3. The appellant refer to the lack of a severe transport impact but this 'severity test' as mentioned in paragraph 32 of the National Planning Policy Framework is made about development that would generate significant amounts of movement which does not apply to the appeal scheme. It was not inappropriate for the Council to take into account the nature of the property and its parking arrangements and apply parking standards to these and the development in the context of a sensitive traffic environment close to a school.
 4. In terms of the effect of the proposal on the character and appearance of the area, this involved a judgment based on the factors that contributed to establishing the character of the local area, including the effects of building lines, and the application of local policy and supplementary guidance.
 5. It appears to me that the relevant factors are set out in the officer's report in a balanced and comprehensive way and a professional judgement was reached
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on the merits of the case. As the Council concluded that there were two fundamental issues of concern with the case, I can see that it would not have been practical to negotiate on one or other of these within the spirit of resolution put forward in government guidance.

6. Although I reached a different conclusion to the Council on the planning merits of the case, I do not consider that the Council's refusal was unable to stand up to scrutiny and that it was without foundation. Overall, I am satisfied that Council's decision to refuse planning permission did not constitute unreasonable behaviour and the costs incurred by the appellant in the appeal were the normal costs arising when the right of appeal is exercised.

Conclusion

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

David Murray

INSPECTOR