
Costs Decision

Site visit made on 9 January 2017

by **Graham Dudley BA (Hons) Arch Dip Cons AA RIBA FRICS**

Decision date: 20 March 2017

Costs application in relation to Appeal Ref: APP/J0350/C/16/3158472, 3158473, 3158474 & 3158475

366 Trelawney Avenue, Slough SL3 7TS

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Sanjay Aulack and Rita Aulack for a full award of costs against Slough Borough Council.
- The appeal was against enforcement notices alleging change of use of the land from use as a single residential unit of accommodation to use as two separate residential units of accommodation.

Decision

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

Reasons

2. Irrespective of the outcome of the appeal, costs may only 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 appellants' case includes that the Council has behaved unreasonably in relation to its consideration of the 5 year housing land supply. Housing land supply is relevant and the evidence presented has to be considered, but it is not for an appeal such as this to do a detailed analysis and identification of the up-to-date 5 year housing land supply. While the appellant may wish to refer to it, that is a matter for the appellant and his judgment in the amount of time that should be given to it in relation to the appeal.
4. I have accepted that the current figure is not based on a full objectively assessment of need [FOAN] However, it is also right that once a FOAN is identified account can be taken of constraints in the area, that may well significantly reduce the resulting 5 year supply figure. The Council has made reasonable assessments of the need, taking account of constraints and other inspectors have supported the approach even accepting the situation in relation to the FOAN. It was therefore not unreasonable for the Council to use the figures that it did for this case. In addition, in this case, even accepting the appellants' arguments does not make the Council's approach unacceptable.
5. I acknowledge that Core Policy 4 is a restrictive policy in housing terms, but I have found even taking account of paragraph 49 and paragraph 14 of the National Planning Policy Framework [NPPF] it still carries considerable weight as identified by Section 38(6) of the Act. The weight to be given to the policy

taking account of the NPPF is a matter for the decision maker. I also have not accepted that the policy is unreasonable to exclude flats. Again it is for the Council to identify the need in its area for different types of housing and the best location for it, and for this to be set out in its local plans which are open to public comment at the time of preparation.

6. I have found for the Council in relation to the appeal and its conclusions in relation to the harm to the area and that the proposal is not policy compliant.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the planning practice guidance, has not been demonstrated and that neither a full nor partial award of costs is justified.

Graham Dudley

Inspector

