
Costs Decision

Site visit made on 21 November 2017

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 04 December 2017

Costs application in relation to Appeal Ref: APP/J0350/W/17/3181792 1 and 2 The Drive, Slough SL3 7DB

- 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 Khan for a full award of costs against Slough Borough Council.
 - The appeal was against the refusal of planning permission for the erection of an outbuilding to provide one studio flat and a utility room and storage facilities for the benefit of residents of the existing flats.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises¹ 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. The PPG explains² that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing planning applications or by unreasonably defending appeals.
3. I appreciate that the outcome of the application will have been a disappointment to the appellant. However, the Council was not unreasonable in coming to its decision. Indeed, it will be seen from my own decision that I agree with the Council that the proposal would result in unacceptable harm to the living conditions of neighbouring residents. It follows therefore that I am satisfied that the Council has shown that it was able to substantiate its second reason for refusal and that it has not provided vague, generalised or inaccurate assertions about the proposal's impact, which are unsupported by any objective analysis.
4. Although, with regard to the first reason for refusal, I have not found that the proposal would result in unacceptable harm to the character and appearance of the area, this is a matter of planning judgement and the Council was not unreasonable in arriving at its position on this matter.

¹ Paragraph: 030 Reference ID: 16-030-20140306

² Paragraph: 049 Reference ID: 16-049-20140306

Conclusion

5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in PPG, has not been demonstrated.

Richard S Jones

Inspector