
Costs Decision

Site visit made on 13 August 2019

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practicing)

an Inspector appointed by the Secretary of State

Decision date: 09 September 2019

Costs application in relation to Appeal Ref: APP/J0350/W/19/3220250 61 Langley Road, Slough SL3 7AH

- 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 B Dhillon for a full award of costs against Slough Borough Council.
 - The appeal was against the refusal of planning permission for what was described as the change of use to care home (C2) and the insertion of roof lights.
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Decision

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

Procedural Matter

2. The costs application submitted by the Appellant does not expressly state whether a full or partial award of costs is sought. However, by reason of the information contained within the costs application, I have interpreted the application as being as an application for a full award of costs, and I have considered the costs application on that basis.

Reasons

3. Planning Practice Guidance (the PPG) advises that, 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 expense in the appeal process. Parties in planning appeals and other planning proceedings normally meet their own expenses.
4. The Applicant considers that Slough Borough Council (the Council) acted unreasonably by omitting the existing permitted use from the description of development within its Decision Notice. In this regard, as will be noted from my decision on the main issues, there is no evidence before me which confirms that the appeal property fell within any use class other than C3 (Dwellinghouses).
5. Furthermore, it was apparent from the planning application form that contradictory information was supplied which indicated that, in the Applicant's belief, the appeal property was a House of Multiple Occupation, but that the property was also a family dwelling and that there were two employees on site. Consequently, I do not find that the Council acted unreasonably in omitting the existing permitted use from the description of development within its Decision Notice.

6. Further to the above, the Applicant contends that the Council acted unreasonably by not properly assessing the Policies of the Local Plan with regards to conformity with the National Planning Policy Framework (the Framework). In this respect, as will be seen from my decision on the main issues, whilst there does appear to be some conflict between certain policies, there is no evidence before me which leads me to doubt that the Local Plan is not in general conformity with the Framework.
7. In addition to the above, the Applicant also maintains that the Council provided no evidence to substantiate the reason for refusal in relation to the potential impact on living conditions of nearby residents with reference to noise and disturbance. However, it is noted that the Officer's report did provide a clear basis for this reason for refusal by reference to the character of the surrounding area and in particular the likely increased level of activity associated with the proposed use of the appeal property as a care home.
8. Whilst I acknowledge the views of the Applicant that there would be no significant increase in the level of activity and specifically in relation to vehicle movements, in my view the change of use to a care home from residential housing would be likely to result in a significant level of activity associated with visitors and care professionals which would potentially increase the level of noise and disturbance to an unacceptable level. Consequently, I do not agree that the Council have acted unreasonably in this regard.
9. For the reasons above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

A Spencer-Peet

INSPECTOR