



Costs Decision

Site visit made on 22 June 2020

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th July 2020

Costs application in relation to Appeal Ref: APP/J0350/W/20/3246017 100b Waterbeach Road, Slough SL1 3JY

- 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 T Singh for a full award of costs against Slough Borough Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for change of use from a dwelling house (Use Class C3) to a large house in multiple occupation (Sui Generis) for up to a maximum of nine (9x) persons.
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Decision

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

Reasons

2. The National Planning Practice Guidance (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 or wasted expense in the appeal process.
3. The PPG makes it clear that a local planning authority is at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal on appeal and/or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The application for costs relates to the fact that the Council failed to determine the appeal application within the requisite timescale.
5. The application was not determined by the Council and had been registered with it for some months before the appeal was lodged. In the process of dealing with the appeal application, Officers expressed concern over the amount and level of car parking to be provided on site, and whether the proposal complied with the Council's Parking Standards. To further their assessment, additional information was requested, with the appellant confirming the number of parking spaces, but did not supply a plan to show the suitability of these. In response, the Council made it clear that they were of the view that the scheme provided insufficient off-street parking and informed the applicant that the proposal would be refused, unless the application was withdrawn before the decision was taken. In this instance neither happened.
6. Whilst I understand the sense of frustration which delays to the determination of the application might have had, it would not be reasonable to conclude that

the Council behaved unreasonably in the procedure leading up to the appeal on the basis of the information before me, given that any delays appear to have been linked to the Council's reasonable efforts to seek greater clarity on what is proposed. Furthermore, whilst I have come to a different view, I find that evidence was put forward by the Council to substantiate their position in relation to highway matters

Conclusion

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

Adrian Hunter

INSPECTOR