



Costs Decision

Site visit made on 26 April 2022

by Mrs H M Higenbottam BA (Hons) MRTPI

An Inspector appointed by the Secretary of State

Decision date: 15 June 2022

Costs application in relation to Appeal Ref: APP/J0350/C/3283190 58 Long Readings Lane, Slough SL2 1PZ

- 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 Slough Borough Council for a [partial] [full] award of costs against Mr Sajjad Hussain Syed-Bukhari.
 - The appeal was against an enforcement notice alleging the conversion of an outbuilding and its use as a self-contained unit of residential accommodation.
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Decision

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

Reasons

2. The Planning Practice Guidance indicates 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.
3. The Council considers that the appellant has acted unreasonably in the submission of the appeal, on the grounds that no substantive evidence has been submitted to support the grounds of appeal or address the Council's reason for issuing the enforcement notice.
4. The appellant with respect to his appeal on grounds (d), (f) and (g) did submit statements and arguments as to why each ground of appeal should be allowed. He asserted that the outbuilding had been occupied continuously for over four years before the enforcement notice was served. However, I concluded on grounds (d) and (f) that the burden of proof had not been discharged and therefore dismissed the appeal on those grounds. In relation to the ground (g) appeal I found that a variation to the compliance period for requirements (ii) to (v) was justified, for the reasons set out in my decision.
5. While I did not find adequate evidence to discharge the burden of proof that, of itself, does not mean the appellant acted unreasonably in submitting the appeal, simply that the evidence did not persuade me that, on the balance of probabilities, the appeal should be allowed.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Hilda Higenbottam

Inspector