



Costs Decision

Site visit made on 29 August 2023

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date 25 September 2023

Costs application in relation to Appeal Ref: APP/J0350/C/22/3308371 Land at 147 Granville Avenue, Slough SL2 1JP

- 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 award of costs against Mr Mohammad Farzan Khan.
 - The appeal was against an enforcement notice alleging the construction of an outbuilding.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises 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. PPG sets out that an appellant is at risk of an award of costs being made against them if the appeal or ground of appeal had no reasonable prospect of succeeding. This includes where the appeal follows a recent appeal decision in respect of the same, or a very similar, development on the same, or substantially the same site where the Secretary of State or an Inspector decided that the proposal was unacceptable and circumstances have not materially changed in the intervening period.
4. An appeal¹ was dismissed for the building subject to the enforcement notice. The appellant has subsequently appealed that notice on ground (a), which is that in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted.
5. The Council have raised the same concerns in the notice as they did in their refusal of the planning application. It is open to the appellant to make an appeal under ground (a). However, the evidence submitted by the appellant in relation to that ground is substantially the same as that they put forward in the previous appeal. No specific material change in circumstances has been outlined to indicate why a different decision should be made in regard to the ground (a) to that of the previous appeal. Therefore, it is unreasonable to expect a different outcome in relation to this matter and has led to wasted expense by the Council having to respond to the ground (a) element of the appeal.

¹ APP/J0350/D/21/3289288

6. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred in respect of seeking the appeal under ground (a) and a partial award of costs is therefore warranted.

Costs Order

7. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Mr Mohammad Farzan Khan shall pay to Slough Borough Council, the costs of the appeal proceedings described in the heading of this decision, limited to those costs incurred in relation to ground (a); such costs to be assessed in the Senior Courts Costs Office if not agreed.
8. The applicant is now invited to submit to Mr Mohammad Farzan Khan, to whose agents a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Stuart Willis

INSPECTOR