



Costs Decision

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2023

Costs application in relation to Appeal Ref: APP/J0350/X/23/3321780 64 Upton Court Road, Slough SL3 7LZ

- 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 Barjinder Grewal for a full award of costs against Slough Borough Council.
 - The appeal was against the refusal of an LDC for a side dormer.
-

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. The application sought an LDC for a side dormer. It did not seek an LDC for any other works to the property. The delegated report, on which the Council rely, concluded that the side dormer complies, in particular, with criteria B.1(d)(ii) of Class B of Part 1 of Schedule 2 of the 2015 GPDO, and that the side dormer complies with all other criteria and conditions of Class B. It was therefore unreasonable for the Council to refuse an LDC for the side dormer. The Appellant has incurred unnecessary and wasted expense in submitting an appeal, and the claim for full costs therefore succeeds.

Costs Order

4. 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 Slough Borough Council shall pay to Mr Barjinder Grewal, the costs of the appeal proceedings described in the heading of this decision, such costs to be assessed in the Senior Courts Costs Office if not agreed.
5. The applicant is now invited to submit to Slough Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

John Braithwaite

Inspector