



Costs Decision

Site visit made on 21 May 2024

by C J Leigh BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th July 2024

Costs application in relation to Appeal Ref: APP/J0350/X/23/3328075 7 Brook Path, Slough, SL1 5ER

- 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 was made by Mrs Aqsa Hoque for a full award of costs against Slough Borough Council.
 - The appeal was against the refusal of a certificate of lawful use or development for what is described as proposed loft conversion and conversion of garage to habitable room.
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Decision

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

Reasons

2. 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. An application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
3. The PPG confirms that the aim of the costs regime is, amongst other things, to encourage all involved in the appeal process to behave in a reasonable way and follow good practice, both in terms of timeliness and in the presentation of full and detailed evidence to support their case.
4. The applicants claim that the Council acted unreasonably and inconsistently, facilitated by a misunderstanding of the permitted development legislation with regard to how past extensions to the property should be considered. Therefore, the applicants consider that the appeal should have been avoided and has resulted in them incurring unnecessary and wasted expense.
5. The interpretation of the legislation on permitted development and what constitutes the 'original' dwelling is a matter of planning judgement based on the facts of the case. It will be seen from my decision that on the balance of probability, I agree with the Council with regard to the extension, or extensions, that has occurred to the rear of the property and that there has already been an increase in the volume of roof space which must be taken into account. Although I found that the porch extension should not be taken into account, it was clear to me that the proposed hip to gable loft conversion and

rear dormer would mean the total increase in volume to the original roof at the property would exceed the limitations set out in Class B of the GPDO.

6. Therefore, the Council's reasoning is not unsubstantiated, and it was not unreasonable for them to defend this appeal. As such, no unreasonable behaviour has occurred, and the applicants has not been put to any unnecessary or wasted expense dealing with this appeal.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. As such, the applicant's claim for costs fails.

C J Leigh

INSPECTOR