



Costs Decision

Site visit made on 26 September 2024

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2024

Costs application in relation to Appeal Ref: APP/J0350/W/24/3346862 32, St Johns Road, Slough SL2 5EZ

- 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 Daniel Clarke 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 a change of use of the existing bungalow from C3 use (dwelling) to C2 use as a children's care home only (residential institution).
-

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.
3. The applicant seeks a full award of costs based on the Council's delay in determining the planning application and the consequential impacts. For costs to be awarded, it is necessary to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
4. The Council acknowledge that the application was not determined within the statutory 8 weeks. Prior to the determination date, 21 June 2024, the applicant contacted the Council. The planning officer's response (19 June 2024) advised that comments were still awaited from consultees and also explained that there were significant delays in that regard and that it was unlikely that a decision would be issued by the determination date. They also advised that they would chase the relevant departments and provide an update in due course. The applicant appealed against non-determination on 23 June 2024.
5. While a lack of a decision within the prescribed time period is frustrating, and any extended timeframes may have other impacts, it is not guaranteed. Due process is required in the consideration of the planning application and given the nature of the proposal and that objections had been received relating to parking and noise, responses from the relevant consultees were pertinent.

6. Additionally, there is nothing to suggest that this was the only case where there was a delay or that the Council were not progressing the application. A proper explanation for the delay was communicated, and the officer also continued to have email exchanges with the applicant explaining why the consultee comments were required and the implications of the appeal. Therefore, while it is unfortunate that the application was not determined, I do not consider that the Council's approach amounted to unreasonable behaviour.
7. I appreciate that the planning process taking longer than anticipated would be inconvenient and may have implications in terms of the commencement of the use and associated income. However, the PPG is clear that an award cannot extend to compensation for indirect losses, such as those which may result from the alleged delay in obtaining planning permission.
8. The applicant chose to exercise the right to appeal immediately following the expiry of the determination date. The appeal process requires the preparation of a number of documents and associated time. There is also no evidence to suggest that the time and administration associated with the planning application stage, including contacting the Council, was substantial or extraordinary to that which could be normally expected during such processes.
9. I therefore do not find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated.

G Ellis

INSPECTOR