



Costs Decision

by Gareth Symons BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date 15 January 2025

Costs application in relation to Appeal Ref: APP/J0350/X/24/3346141

148 Windsor Road, Slough SL1 2JB

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Slough Borough Council for a full award of costs against Mr VenuGopal Andem.
 - The appeal was against the refusal of an application for a certificate of lawful use or development for the use of an outbuilding as a self-contained dwelling.
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Decision

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

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 appellant was aware of the enforcement notice in force that led to the application for the lawful development certificate application being refused. It is referred to in their appeal form where they also set out their case that the use of the outbuilding as a self-contained dwelling started in 2017 and that they claim four years of such use had elapsed before the notice was issued. I accept from the Council's point of view that the appellant should have been more mindful of the reason for refusal of the application, but they were at least not silent on the matter. Furthermore, although misguided about focussing on attempting to show that four years of residential use had elapsed given the implications of s191(2)(b) of the 1990 Act, I consider that this was not so unreasonable to then justify an award of costs based on unnecessary expense by the Council.
4. There may have been an irregularity in the appellant's evidence to support the claim of four years of use as a self-contained dwelling, but for the reasons given in my appeal decision, none of that fell to be considered.
5. An award of costs is not warranted.

Gareth Symons

INSPECTOR