



Costs Decision

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 August 2025

Costs application in relation to Appeal Ref: APP/J0350/C/24/3340193

45 Hampshire Avenue, Slough SL1 3AG

- 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 Adnan Ali.
 - The appeal was against an enforcement notice alleging the material change of use of the outbuilding, with associated facilitating works and its use 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 application is for a partial award related to the ground (g) appeal. The ground is not supported by substantive evidence about the length of time it would take to evict a tenant. Nevertheless, reasons for a longer time are given and the appeal is not wholly without merit.
4. Even though the grounds of appeal mean that the enforcement notice, in some form, will ultimately need to be complied with, the appellant cannot be required to do so until such time as it takes effect. Although the original tenant may have left before the appeal was lodged, it is not unreasonable for the unit to have been reoccupied in the short term.
5. The outbuilding is within the appellant's rear garden and accessed via their own property. However, it appears that it is let and managed via an agent, so the appellant would not necessarily know the background circumstances of the occupant. While it is incumbent on the appeal parties to provide accurate evidence, the identity of the tenant is not relevant to the case being put – in essence that it takes time to deal with the eviction process.
6. I, therefore, find that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

M Bale

INSPECTOR