

Costs Decision

Site visit made on 23 September 2025

by **C Billings BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 October 2025

Application A

Costs application in relation to Appeal Ref: APP/J0350/W/25/3365433

1 Cannon Gate, Slough, SL2 5NH

- 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 Amarjit Singh for a full award of costs against Slough Borough Council.
- The appeal was against the refusal of the Council to grant planning permission for conversion of existing garage to habitable accommodation and erection of an attached garage with pitched roof without complying with a condition attached to planning permission Ref P/14635/000, dated 26/11/2009.

Application B

Costs application in relation to Appeal Ref: APP/J0350/W/25/3365433

1 Cannon Gate, Slough, SL2 5NH

- 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 Slough Borough Council for a full award of costs against Mr Amarjit Singh, the appellant.
 - The appeal was against the refusal of the Council to grant planning permission for conversion of existing garage to habitable accommodation and erection of an attached garage with pitched roof without complying with a condition attached to planning permission Ref P/14635/000, dated 26/11/2009.
-

Decision

1. Application A for the award of costs is dismissed.
2. Application B for the award of costs is dismissed.

Reasons

3. 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.

Application A

4. The appellant alleges that the Council took too long to determine the planning application, resulting in wasted time and resource chasing updates on the application. They set out that the reason for refusal was not supported by local and national policy and that new policies were introduced, which had not been previously referred to. The appellant also contends that the Council did not properly investigate the full planning history of the site, did not seek professional advice from highway specialists, raised unnecessary issues regarding land ownership and the communal parking areas and based their decision on assumptions rather than

evidence provided. In view of such concerns, the appellant feels the Council acted unreasonably, causing wasted expense in the appeal process.

5. Although the Council did not cite specific development plan policies in its reason for refusal, the officer's delegated report does reference relevant policies. This demonstrates that the Council considered appropriate policies in making its decision. It is consistent with planning statute and guidance that a planning application, and any subsequent appeal, is determined having regard to the most up to date adopted development plan policies. Furthermore, the Council appropriately acknowledged and explained the error in referencing Policy T2 of the Slough Local Plan on its original decision notice.
6. The Council does not dispute that there was delay in acknowledging and determining the planning application. While the appeal site plan submitted was the same as that approved under the original permission, ref P/14635/000, Land Registry documents and other evidence indicate that not all the areas outlined in bold on the submitted plan are within the ownership of the appellant/applicant. Therefore, it was reasonable that the Council sought additional information and clarification regarding the validity of the application, including land ownership and certification. Consequently, the Council's actions and the resultant delays were not unreasonable. Moreover, the appellant had the option to exercise their right to appeal against the non-determination of the planning application once the time period for its determination had elapsed.
7. Even if the officer's delegated report does not refer to the original permission for the housing development, the evidence suggests that the Council considered the relevant planning history of the site in reaching its decision. No substantive evidence has been provided to demonstrate a statutory or procedural requirement for the Council to consult a highway engineer regarding the appeal proposal. Also, it was not unreasonable for the Council to rely on the officer's planning judgement, based on the supporting evidence, without seeking highway advice. Furthermore, the Council provided clear reasoning for its decision in the officer's delegated report.
8. In conclusion, I am not persuaded that the Council's behaviour was unreasonable. As such, unnecessary or wasted expense, as described in the PPG, has not been demonstrated in respect of the appeal. Consequently, an award of costs is not justified against the Council.

Application B

9. The Council asserts the planning application submission included an ambiguous site, inappropriate plan, and confusing and misleading information. It also sets out that the submitted certificate of ownership was incorrect, meaning the appropriate notice was not served on all of the landowners of the appeal site. Furthermore, the Council considers that the appellant should have submitted a 'free go' planning application to ensure sufficient and robust evidence was provided to address the reasons for refusal, rather than submitting an appeal.
10. While the Council acknowledges that, in hindsight, the planning application should not have been validated, it did not subsequently invalidate the application and continued to consider and determine it. On this basis, the appellant had a right of appeal, even if their evidence was misleading or deficient, that pre-application

advice was not sought, the reasons for refusal were not discussed with the Council beforehand, and despite the Planning Inspectorate's procedural guidance advising that an appeal should generally be exercised as a last resort.

11. Seeking pre-application is not mandatory for the type of development proposed. The appellant also explains that they were concerned a further planning application might have taken some time for the Council to process, based on the timescales experienced with the appeal application. Additionally, they were uncertain that a subsequent application would be favourably considered by the Council. Therefore, the appellant has not acted unreasonably in deciding to appeal.
12. While it is asserted the Council has not set out its cost's application in accordance with the PPG, this does not mean that such application should not be considered. However, based on the above and the evidence provided, it has not been demonstrated that the appellant's behaviour was unreasonable and caused wasted or unnecessary expense having regard to the PPG.

Conclusion

13. In view of the above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG has not been demonstrated by either party. Therefore, an award of costs is not justified against the Council or the appellant.

C Billings

INSPECTOR