



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: 13th November 2025

Costs application in relation to Appeal Ref: APP/J0350/W/25/3366004

1 - 2 The Drive, Langley, Slough SL3 7DB

- 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 S B Khan for a full award of costs against Slough Borough Council.
 - The appeal was against the refusal to grant subject to conditions planning permission for partial conversion of outbuilding to provide caretaker accommodation (ancillary use).
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Decision

1. Application for the award of costs is dismissed.

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 alleges the Council has acted unreasonably by misinterpreting what development was applied for and made its decision on a proposed self-contained dwelling and creation of a separate planning unit, rather than ancillary accommodation. Also, the appellant considers the Council did not have proper regard to the planning history of the appeal site, failed to engage constructively with the appellant, and has not provided evidence to demonstrate that the proposed development would cause harm to privacy, overdevelopment, or amenity issues. As a result, the appellant asserts it has incurred unnecessary costs in the appeal process.
4. Whether the proposed use is ancillary or not, is a matter of planning judgement. Such judgement is based on fact and degree having regard to the merits or otherwise of an individual case, when considering the evidence provided at the time of decision-making. While the description of development refers to 'ancillary use,' the proposed layout of the caretaker's accommodation includes a kitchen and bathroom with shower and a further room for seating and resting. This could be construed as facilities akin to those found in a self-contained dwelling unit. Also, the proposed accommodation would have doors separating it from the storeroom and cycle storage areas and the outbuilding could be accessible from the road without having to go inside or through any of the apartments in the host building. Therefore, it would be capable of being used as an independent dwelling unit and separation from the host property.
5. Furthermore, the information submitted with the planning application, including the plans and the Planning, Design & Access Statement, does not fully explain how the

proposed caretaker accommodation would be used or occupied. Also, it sets out that an on-site caretaker was necessary to deal with the day-to-day issues and security of the residents of the 10 flats. Therefore, the Council considers this implied that a caretaker would live at the property on a permanent 24/7 basis. Whereas the appeal submission provides more clarification and detail about how the ancillary caretaker facilities would be used.

6. The planning officer's report explains the Council's reasons for refusal and provides an extensive list of the planning history of the appeal site. This includes application ref P/07663/020, which was refused and dismissed at appeal¹ for the construction of an outbuilding to provide a studio flat. A proposal the Council considered was similar to the current appeal proposal. This demonstrates that, in reaching its decision, the Council had regard to relevant planning history and the evidence before it at the time, including the site context and applicable development plan policies.
7. Although the Council's officer report does not explicitly reference relevant caselaw², it considers matters such as physical connection, internal layout, and the intended function of the outbuilding, having regard to information submitted and the site context at the time of its decision. This demonstrates that the Council applied principles consistent with relevant caselaw. It was not unreasonable for the Council to exercise its judgement, based on fact and degree, that the outbuilding would likely be used as a separate, self-contained flat, even if that was not the intention of the appellant. Therefore, I do not consider the Council misapplied planning law in a way that amounts to unreasonable behaviour in this instance.
8. Also, the planning officer's report appropriately explains the Council's concerns about the effect of the proposed development on the living conditions of existing and future residents and the character and appearance of the host property and surrounding area. However, the lack of evidence of actual harm from a development that has not been implemented would not amount to unreasonable behaviour.
9. Regarding the fallback position and impact on the living conditions of nearby residents, the appeal building has planning permission and can be used in association with the residential use of the host property's apartments as a gym, store, and other purposes by its residents. Such permitted use differs from the proposed use of the outbuilding, which would partly serve as a caretaker facility. However, the effect of this proposed use on neighbouring occupiers' living conditions, including any comings and goings associated with it, is a matter of planning judgment. Therefore, the Council was entitled to come to a different conclusion on matters related to living conditions, based on the application submission and site context at the time of its decision.
10. Even if the appellant offered planning conditions to restrict the use of the appeal building, which would, in their view meet the relevant tests for conditions, the Council has explained why it did not approach the appellant during the consideration of the planning application to seek amendments to the proposal. In its view, amendments would not have made the proposal acceptable based on its judgement. While government guidance encourages effective engagement as part

¹ Appeal ref APP/J0350/W/17/3181792

² As set out in the appellant's costs submissions.

of the planning process, the Council was under no obligation to discuss the merits of the case, or to seek amendments to the proposal during its consideration of the planning application. Also, the Council has set out that it sought to determine the application as close as possible to the 8-week time period and, that it was determined soon after it received an email from the applicant to chase up the progress of the application.

11. Therefore, it has not been demonstrated that the lack of engagement during the consideration of the planning application would have avoided the need for an appeal and the costs related to the appeal submission.
12. Matters related to fencing and previous application proposals within the appeal site relate to different considerations and applications to the appeal proposal. However, it is at the discretion of the appellant as to whether to withdraw and/or submit planning applications. Therefore, such matters do not demonstrate unreasonable behaviour by the Council in relation to the appeal proposal.

Conclusion

13. In view of the above, and having regard to caselaw, as referred to by the appellant, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG has not been demonstrated. Therefore, an award of costs is not justified against the Council in this instance.

C Billings

INSPECTOR