



Costs Decision

Site visit made on 6 January 2026

by **Stephen Hawkins MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 January 2026

Costs application in relation to Appeal Ref: APP/J0350/C/23/3336139

2E Canterbury Avenue, Slough SL2 1EQ

- 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 full award of costs against Mr Imam Hussain.
 - The appeal was against an enforcement notice alleging the material change of use of an outbuilding to form a self-contained dwelling with facilitating works.
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Decision

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

Reasons

2. Parties in planning appeals are normally expected to meet their own expenses. However, the Planning Practice Guidance (PPG) chapter on appeals advises that costs may be awarded where a party has behaved unreasonably and that behaviour has caused another party to incur unnecessary or wasted expenditure in the appeal process (paragraphs 028 and 030).
3. Paragraph 028 of the PPG explains that the aim of the costs regime is to encourage all those involved in the appeal process to behave in a reasonable way and follow good practice, both in terms of timeliness and in the presentation of full and detailed evidence to support their case. At paragraph 031, the PPG advises that 'unreasonable' has its ordinary meaning, as established by the Courts¹ and that unreasonable behaviour can be either procedural-relating to the process, or substantive-relating to the issues arising from the merits of the appeal.
4. The Council sought an award of their costs on what I take to be both procedural and substantive grounds. The application was made in writing, in accordance with the PPG at paragraph 035. In summary, the Council argued that the appellant supplied little evidence to support their case and made spurious and anecdotal claims. Given that the appellant was professionally represented, they should have known their appeal stood little chance of success.
5. At paragraph 052, the PPG provides examples where an appellant risks an award of costs being made against them on procedural grounds. This includes resistance to, or lack of co-operation with the other party or parties in providing information, discussing the application or appeal, or in responding to a Planning Contravention Notice, delay in providing information or other failure to adhere to deadlines and providing information that is shown to be manifestly inaccurate or untrue.
6. The PPG in paragraph 053 explains that the right of appeal should be exercised in a reasonable manner. An appellant is at risk of an award of costs being made against them if the appeal or ground of appeal had no reasonable prospect of

¹ *Manchester City Council v SSE & Mercury Communications Limited* [1988] JPL 774

- succeeding. Examples of when this might apply include where the development is clearly not in accordance with the Development Plan, and no other material considerations such as national planning policy are advanced that indicate the decision should have been made otherwise, or where other material considerations are advanced, there is inadequate supporting evidence. The examples of unreasonable behaviour set out in paragraphs 052 and 053 are not exhaustive.
7. The appellant did not supply a written statement to support their grounds of appeal, nor did they respond to the application for costs. Even so, the appellant set out their case on the appeal form and they submitted further written representations to support their arguments at the final comments stage. Taken together, these submissions offer a brief but reasonably detailed explanation as to why the appellant felt that planning permission should be granted on ground (a) or, failing that, on ground (f) that the notice should be varied.
 8. The appellant's approach in relation to the ground (a) appeal was flawed. However, not all professionals working with property can reasonably be expected to have a full cognisance of complex matters of planning law; that would be unrealistic. Given the circumstances, I cannot be sure that the appellant understood the implications of pursuing a ground (a) appeal. Further, there is little sound reason to think that the appellant's explanation concerning the use of the appeal site prior to the issuing of the enforcement notice was anything other than the facts as they genuinely understood them, based on information supplied by their tenants. In any event, this and whether the appellant resided at the site have a limited bearing on the planning merits of the case.
 9. To determine the ground (f) appeal it was necessary to assess the available evidence, including that supplied on behalf of the appellant to support their case, in detail. The need to do so suggests that the ground (f) appeal had at least some evidential basis.
 10. Consequently, I do not share the Council's view that the appeal had little reasonable prospect of success. In my opinion, even though the notice was upheld and the appeal dismissed, the appellant's evidence was of a sufficient standard to substantiate their case. The appellant is entitled to exercise their right of appeal and should not be faced with the prospect of having costs awarded against them simply for appealing on the grounds that they consider most favourable for a successful outcome, provided their case is, as in this instance, supported by a relevant body of evidence.
 11. Since the appellant has not acted in a manner similar to the examples of unreasonable behaviour relating to the appeal procedures or the substance of the matter at appeal in the PPG, or in any other way which might be so construed, the Council has not been put to unnecessary additional expense in preparing written evidence to defend the appeal. It follows that the conditions for an award of costs in the PPG at paragraph 030 have not been met.

Conclusion

12. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Stephen Hawkins

INSPECTOR