



Costs Decision

Site visit made on 2 June 2026

by **L Douglas BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05th June 2026

Costs application in relation to Appeal Ref: APP/J0350/C/24/3351496

Land at and to the rear of 30 Boundary Drive, Slough SL2 4FQ

- 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 Elvis Mbaku Njeik.
 - The appeal was against an enforcement notice alleging Without planning permission, the material change of use of an ancillary garage on the Land as shown edged blue on the Plan to a self-contained dwelling with associated facilitating works.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance 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 applicant's costs application simply refers to information provided by the appellant in support of their appeal which is alleged to be untrue. In response, the appellant sets out that he had the right to legitimately appeal against the notice on all grounds and paid the requisite fee for the appeal on ground (a) and the deemed application for planning permission to be considered. It is claimed the appellant should not be penalised for putting forward his version of events and seeking to retain certain elements of the development.
4. The appeal on ground (b) was bound to fail, as it was clear the material change of use of the garage building to a self-contained dwelling (the MCU) had taken place. It was plainly untrue that there had been '*no attempt to subdivide the former ancillary garage from the host dwelling to create a self-contained dwelling*¹'. It was unreasonable for the appellant to pursue an appeal on ground (b), even if they were not aware of the Council's evidence.
5. The onus was on the appellant to support their appeal on ground (d) with sufficiently precise and unambiguous evidence to show that the MCU had taken place more than 4 years before the notice was issued, and that it had remained in use as a self-contained dwelling for at least 4 continuous years, on the balance of probabilities. Minimal evidence was provided to support this ground of appeal, such that it stood no reasonable chance of success. It was unreasonable for the

¹ Paragraph 7.4 of the appellant's Statement of Case

- appellant to pursue this ground of appeal on the basis of such limited and unconvincing evidence.
6. The appellant sought planning permission for development different to that stated in the notice. As such, there was no prospect of planning permission being granted for the use of the building as a residential annexe. The appellant's own submissions acknowledged the building provided inadequate space for a self-contained dwelling, and even if there was merit in the appellant's arguments relating to the effect of the development on the character and appearance of the area and highway safety, it should have been clear that planning permission would not have been granted for the MCU. It was therefore unreasonable for the appellant to seek planning permission for the MCU or development which did not form part of the breach of planning control stated in the notice as an alternative in this case.
 7. The description of the breach specifically refers to 'associated facilitating works' and the purpose of the notice is to remedy the breach by restoring the land to its former condition. No evidence was provided to show how the installation of the shower room may not have facilitated the MCU and it was entirely appropriate for the notice to require the land to be restored to its condition before the breach took place. The appeal on ground (f) was therefore bound to fail and it was unreasonable for the appellant to pursue it.
 8. No evidence has been provided to support the appellant's claims that 6 months falls short of what should reasonably be allowed for the notice to be complied with. On the evidence, this ground of appeal was also bound to fail and it was unreasonable for the appellant to pursue it in the manner he did.
 9. Therefore, although the appellant was entitled to pursue an appeal on grounds (a), (b), (d), (f) and (g), the appeal stood no reasonable chance of succeeding on any of those grounds on the very limited evidence provided. The appellant, who was professionally represented, was irresponsible in using their right of appeal in this manner, with parts of their submissions giving misleading representations of the facts. The fact that the appellant was entitled to lodge an appeal on these grounds does not therefore excuse the unreasonable behaviour which resulted in the Council incurring unnecessary expense in dealing with the appeal in all respects. For the reasons given, unreasonable behaviour resulting in unnecessary expense has occurred and a full award of costs is therefore warranted.

Costs Order

10. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Mr Elvis Mbaku Njeik shall pay to Slough Borough Council, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
11. The applicant is now invited to submit to Mr Elvis Mbaku Njeik, to whose agent a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

L Douglas

INSPECTOR