
Costs Decision

Site visit made on 7 November 2016

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2nd December 2016

**Costs application in relation to Appeal Ref: APP/K0425/W/16/3154370
156 Buckingham Guest House, land rear of 154-156 West Wycombe Road,
High Wycombe, Buckinghamshire HP12 3AE**

- 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 Buckingham Hotels Ltd for a full award of costs against Wycombe District Council.
 - The appeal was against the grant subject to conditions of planning permission for erection of single building comprising 4 x 1 bed and 7 x 2 bed apartments, alteration to existing access, new parking and landscaping.
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Decision

1. The application for a full award of costs is refused.

Reasons

2. Planning Policy Guidance ('PPG') advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
 3. The applicant considers that the Council have acted unreasonably in respect of the application which is the subject of the appeal. In particular, that condition 14 is not necessary or reasonable because there is no evidence of the effect on local parking, the effect on occupiers of the hotel and that the Council failed to consider the financial and economic implications on the applicant relating to the closure of the hotel. Furthermore, that they did not discuss the condition with the applicant prior to their decision. Accordingly, the appellant has had to incur unnecessary costs and delays in pursuing the appeal.
 4. I have allowed the appeal and deleted the condition because I do not consider it meets the test of being necessary. However, this is a matter of judgement and the Council has clearly explained why it considered this condition to be necessary and reasonable in the circumstances. The Council's view was also clearly explained in refusing the approval of further details pursuant to PI16/00591/ADRC. Whilst I appreciate that the appellant does not agree with the Council's consideration of the development or opinions relating to effects on living conditions, the issue at the heart of the appeal is inherently subjective and I am satisfied that the Council considered the condition was needed to make the development acceptable in planning terms.
 5. I have been provided with no substantive evidence that the condition placed an unjustifiable burden on the appellant. Given the level of harm that the Council
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considered would have occurred without its imposition, on the evidence before me, the condition was a proportionate response to those legitimate concerns and is therefore reasonable.

6. Although the condition may or may not have discussed with the applicant, the PPG is clear that this is 'where it is practicable to do so'. As I have no substantive evidence regarding discussions that may or may not have taken place, I cannot therefore conclude that unreasonable behaviour has been demonstrated.
7. For these reasons, unreasonable behaviour resulting in unnecessary expense in the appeal process has not been demonstrated. For this reason an award for costs is not justified.

Richard Aston

INSPECTOR