The Planning Inspectorate

Costs Decision

Site visit made on 19 April 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 12 May 2017

Costs application in relation to Appeal Ref: APP/X0415/W/16/3166176
10 and 12 Kingsway, Chalfont St Peter SL9 8NR

- 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 Darren Thomas of Refined Homes for a full award of costs against Chiltern District Council.
- The appeal was against the refusal of planning permission for the demolition of the existing dwellings and outbuildings and the erection of seven dwellings.

Decision

1. The application for an 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. It goes on to state that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing planning applications and preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.

4. The Council have already granted outline planning permission for six houses on the site. However this does not grant permission for matters of layout or scale. Therefore it could not prejudice the formal determination of these matters by Members in the application subject of this appeal.

5. Furthermore, Members of the planning committee are not bound by the recommendations of their officers. I do not consider Members acted unreasonably by coming to a different view as to the acceptability of the form of the proposal in its context, which is a subjective consideration, or the acceptability of the amenity space, which contravenes Local Plan Policy H12.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and consequently the application for an award of costs is refused.

Andrew Owen

INSPECTOR