
Costs Decision

Site visit made on 4 December 2017

by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th February 2018

Costs application in relation to Appeal Ref: APP/N0410/W/17/3179562 Plum Tree Cottage, East Burnham Lane, Burnham SL2 3TL

- 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 P Uppal for a full award of costs against South Bucks District Council.
 - The appeal was against the refusal of planning permission to resume human habitation.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) makes it clear that parties in planning appeals normally meet their own expenses. All parties are expected to behave reasonably to support an efficient and timely process. Where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.
3. The PPG provides examples of circumstances which may lead to an award of costs against a local planning authority. These include 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 applicant submits that the Council acted unreasonably in its assessment of the planning application and had it engaged with the applicant then the appeal could have been avoided altogether. Reference is made to several letters sent to the Council on the applicant's behalf.
5. Whilst I disagreed with the Council and found that the proposal was not inappropriate development in the Green Belt, it does not necessarily follow that the Council acted unreasonably in its consideration of the planning application. Indeed, I am satisfied that the Council substantiated its reasons for refusing the planning application, making reference to relevant development plan policies, national planning policies and to a previous planning appeal decision on the site, which was dismissed because of the effect upon the Green Belt. It was not unreasonable of the Council to draw a comparison with the earlier decision on the site, given that this proposal, had it been permitted, would have resulted in a similar end use of the site.

6. In light of the foregoing, I conclude that that the Council has not acted unreasonably in the appeal process. The applicant's expense in pursuing the appeal was not wasted, and the work undertaken was a necessary part of his case. Unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process has not therefore been demonstrated.
7. The application for an award of costs is dismissed.

R C Kirby

INSPECTOR