



Costs Decision

Site visit made on 17 September 2019

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th October 2019

Costs application in relation to Appeal Ref: APP/X0415/W/19/3232485 Land Adjacent to Jewsons, Chesham Road, Hyde End HP16 0RD

- 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 Stuart Wilbraham (London Reclaimed Brick Company Limited) for an full award of costs against Chiltern District Council.
 - The appeal was against the refusal of planning permission for the retention of the site's use for the open commercial storage of bricks and other building supplies, vehicles, plant, machinery and other equipment and materials.
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Decision

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

Reasons

2. National Planning Practice Guidance (the Guidance) advises that costs may only 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 appeals process.
3. The Guidance further sets out that parties in planning appeals and other planning proceedings normally meet their own expenses. Additionally, the Guidance is clear that an application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
4. The planning application was refused contrary to the advice of professional officers. This in itself is not unreasonable behaviour as the committee was not bound to accept the officer recommendation provided it could show reasonable planning grounds for taking a contrary decision. Whilst the appellant may not like the approach taken by the committee in reaching its decision, it is for me to consider whether the decision was reasonable and soundly based.
5. On the evidence before me and upon reviewing the reasons for refusing planning permission, I am satisfied that the Council gave sufficient consideration to the planning application and that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated by the appellant. Consequently, an award of costs is not justified.

Graham Wyatt

INSPECTOR