
Costs Decision

Site visit made on 14 January 2020

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 March 2020

Costs application in relation to Appeal Ref: APP/J0405/W/19/3239409 20 High Street, Wendover, Buckinghamshire HP22 6EA

- 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 Simon Dennis (Barbara (Aylesbury) Ltd) for a full award of costs against Aylesbury Vale District Council.
 - The appeal was against the refusal of planning permission for "the retention of flue and cowl".
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Decision

1. The application for costs is refused.

Reasons

2. Planning Practice Guidance advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. Planning Practice Guidance states that examples of unreasonable behaviour by local planning authorities include failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The appellant has highlighted the matter of the Planning Committee overturning a recommendation for approval from the Planning Officer, with a lack of objection from consultees. However, it is the right of the Members of the Planning Committee to consider the recommendation of their professional officers and consultees but decide to refuse, as happened with this case.
5. The Planning Committee did not agree that this is a development that should be supported in this instance, due to their concerns, including that of noise and odour, which they concluded could not be overcome by condition. Whilst I have not reached the same conclusion, I do not regard their behaviour in coming to this conclusion as unreasonable and I note that they visited the site also. I recognise that there have been objections from neighbours, which the Members would have taken into consideration.
6. Furthermore, whilst I have allowed the appeal, I found the reasons for refusal and the subsequent statements from the Council to be thorough and reasoned, concluding against planning policy.

7. Overall, I conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

S. Rennie

INSPECTOR