



Costs Decision

Site visit made on 15 September 2020

by Simon Hand MA

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

Decision date: 28 September 2020

**Costs application in relation to Appeal Ref: APP/X0415/C/19/3231506
Land on the north-west side of Bramble Lane, Amersham,
Buckinghamshire, HP7 9DN**

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by PHD Modular Access Services Ltd for a full award of costs against Chiltern District Council.
 - The appeal was against an enforcement notice alleging the change of use of the Land to a scaffolding storage yard (Class B8) and the associated stationing of storage containers and erection of scaffolding racks integral to that use.
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Decision

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

The Case for the Appellant

2. The Council was asked to enter into negotiations to agree conditions to enable the use to continue. They were warned that should the appellant be forced to go to appeal a costs application would follow. The Council refused to consider the use of conditions, despite having done so for the use that preceded the appellant on the site. They failed to provide any substantive reasons or evidence of any harm, and what they did identify was resolvable by conditions.
3. The Council have not responded to the costs claim.

Reasons

4. It is clear from the decision letter that I do not agree with the appellant that the current use of the site differs little from the previous use, or that it could be successfully controlled by conditions. This also ignores the main issue that the use is inappropriate development in the green belt. The Council were not therefore unreasonable to refuse to negotiate when there was no chance of an outcome favourable to the appellant.
5. There has been no unreasonable behaviour and an award of costs is not justified.

Simon Hand

Inspector