
Costs Decision

Site visit made on 24 September 2020

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2020

Costs application in relation to Appeal Ref: APP/K0425/D/20/3247073 The Stable, Hatches Lane, Great Kingshill, HP15 6DS

- 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 Professor Martin Aylward for a partial award of costs against Wycombe District Council (now Buckinghamshire Council).
 - The appeal was against the refusal of planning permission for removal of first floor window to ground floor beneath and insertion of rooflight over previous window position.
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Decision

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

Reasons

2. The appeal followed the refusal on 10 December 2019 of an application made on 20 August 2019 for the removal of first floor window to ground floor beneath and insertion of rooflight over previous window position. My decision, which accompanies this costs decision, agreed with the Council's decision and dismissed the appeal.
3. The Planning Practice Guidance (PPG) advises that costs may 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 appeal process.
4. The appellant's application for costs, outlined in appendix 9 of the submitted documents, is solely based upon matters which surround the validation process of the original application. The main issue, at validation, appears to have been whether or not the plans submitted to the Council were sufficient and/or to an appropriate scale which resulted in the appellant paying for the Council's validation advice service.
5. Even if the plans had been submitted and accepted without the issues claimed at validation, as outlined by the appellant, the application would still have been refused by the Council for the reasons outlined in their decision notice.
6. There are alternative routes to challenge validation disputes, as outlined within the Council's cost rebuttal statement, as well as a formal complaints procedure. The issues at validation do not, unfortunately, directly result in unnecessary or wasted expense in the appeal process as they were not incurred by the receiving party during the process by which the Inspector's decision is reached.

Conclusion

7. I do not therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and a partial award of costs is unjustified.

Eleni Randle

INSPECTOR