
Costs Decision

Site visit made on 29 September 2020 by Alex O'Doherty LLB(Hons) MSc MRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

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

Decision date: 9 November 2020

Costs application in relation to Appeal Ref: APP/N0410/W/20/3252243 Springhill, 15 Daleside, Gerrards Cross SL9 7JE

- 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 D Patel for a partial award of costs against South Bucks District Council.
 - The appeal was against the refusal of planning permission for, "Demolition of existing house and erection of 2 No. 4 bedrooms two storey detach houses".
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Decision

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

Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the costs application.

Procedural Matter

3. On 1 April 2020 the name of the decision-making authority changed from South Bucks District Council to Buckinghamshire Council.

Reasons for the Recommendation

4. 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.
5. The Council has conceded that an administrative error occurred in that the appeal Questionnaire did not mention any impact on any Sites of Special Scientific Interest or internationally designated sites, which in this case the Council consider to be the Burnham Beeches Special Area of Conservation. The Council corrected this error by referring to the alleged impact in their appeal statement. Subsequently, I agreed to the requested 2 weeks extension to the final comments' deadline, to allow for the applicant's submission of final comments and any legal agreement.
6. I accept that it would have been helpful had the Council referred to this new matter earlier, which might have allowed the applicant an opportunity to respond to it in his appeal statement, rather than in his final comments. However, the course of the planning appeal coincided with the coronavirus (COVID-19) pandemic, and its disruption required the Council to adopt full

home and paperless working. I consider that providing full coverage of the new issue at statement stage was a reasonable approach in the circumstances. As such, in the context of the pandemic, whilst the applicant has been inconvenienced, I do not consider that the Council's behaviour has been unreasonable.

Conclusion and Recommendation

7. I am satisfied that the Council acted in a reasonable manner. The applicant's costs associated with the appeal were therefore necessary and not wasted. Unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.
8. I recommend that the application for an award of costs is refused.

Alex O'Doherty

APPEAL PLANNING OFFICER

Inspector's Decision

9. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the application for an award of costs is refused.

RC Kirby

INSPECTOR