



Costs Decision

Site visit made on 15 December 2020

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2021

Costs application in relation to Appeal Ref: APP/X0415/W/20/3256151 Bramblings, 43 Denham Lane, Chalfont St Peter, Bucks SL9 0EP

- 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 R Haslam for a full award of costs against Buckinghamshire Council.
 - The appeal was against the refusal of planning permission for demolition of existing dwelling and construction of a detached house (amendment to approved consent CH/2017/1788/FA refers) to include a dormer in attic to side elevation for bathroom and to rear elevation for attic bedroom.
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Decision

1. The application for costs is refused.

Reasons

2. The Planning Practice Guidance 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.
3. The appellant indicates that the members of the Council's Planning Committee refused planning permission contrary to the advice of its professional officers following an investigation in relation to the single issue. The officers indicated that the matter would be unlikely to be sustained on appeal. Consequently, the appellant asserts that the Members' ignorance of the advice has led to unreasonable behaviour, necessitating the appeal which may otherwise have been avoidable.
4. The Planning Committee was not obliged to accept the advice of its officers and provided sound reasons for reaching a contrary decision. Whilst I have reached a view that concurs with that of the Council's Planning Officer, this view is a balanced one that accepts that the scheme has some shortcomings in respect of its proximity and relationship with the neighbouring occupiers but that could be made acceptable provided that conditions were imposed and strictly adhered to. Whilst the scheme would lead to a curtailment of the freedom of use of the bathroom in the neighbouring dwelling, it would not be to an extent or to a room that is of such importance in the house that I consider that the degree of harm warrants refusal.
5. In any event, the appeal process was incapable of being concluded on the basis of the plans submitted with the appeal application due to further deviations that had been made during the course of constructing the originally approved

scheme¹. An invitation was extended to the appellant to submit further plans, which, in the interests of fairness and transparency, necessitated further consultation and involvement of the Council and interested parties.

6. In this instance, taking the above factors into account, it does not appear that unreasonable behaviour has been demonstrated by the Council that would justify an award of costs.

Conclusion

7. For the reasons stated above, and having regard to all other matters raised, a full or partial award of costs is therefore not justified.

Hollie Nicholls

INSPECTOR

¹ CH/2017/1788/FA approved December 2017