



Costs Decision

Site visit made on 15 March 2021

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 13 May 2021

Costs application in relation to Appeal Ref: APP/J0405/W/20/3264021 The Three Horseshoes, Mentmore Road, Cheddington, Buckinghamshire LU7 0SD

- 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 Punch Partnerships (PML) Ltd for a full award of costs against Buckinghamshire Council - North Area (Aylesbury).
 - The appeal was against the refusal of planning permission for the erection of two semi-detached, three-bedroom chalet bungalows following demolition of pub outbuildings, replacement outbuilding, reconfiguration of public house car park and beer garden, and associated parking and landscaping.
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Decision

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

Reasons

2. 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 process¹.
3. There are two claims to assess. Firstly, whether the Council determined similar applications in a consistent manner. Secondly, whether the Council prevented development which should clearly have been permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
4. In terms of the first claim, reference has been made to permission that was recently granted for residential development to the rear of The Boot Inn, Soulbury, Buckinghamshire which involve the use of an existing substandard pub access.
5. Unlike the appeal proposal though, visibility at the access serving The Boot Inn is substandard in only one direction. Whilst this is in relation to oncoming traffic on the nearside of the road, and it is stated that the restriction in visibility is greater in this direction than it is at the appeal site, the Council found that the bend in the road would mean that approaching vehicles would be likely to be travelling below the speed limit. This is not the case with the appeal site where Mentmore Road is straight and so no similar reduction in speed can be expected. Moreover, the Soulbury permission would result in a lower intensification in use of the access. As a result, the two applications were sufficiently different for the Council to reasonably reach different conclusions on highway safety in relation to each.

¹ Paragraph: 028 Reference ID: 16-028-20140306, 'Appeals', 'Why do we have an award of costs?'

6. Turning to the second claim, the Council did consider the information provided on accident data relating to Mentmore Road and use of the site access, and gave a reasoned explanation as to why it disagreed with the appellant regarding its interpretation.
7. Similarly, the Council took into account the intensification in use of the access that was likely to occur, national technical guidance, the appeal decision referred to by the appellant and whether the suggested highway works would adequately address safety concerns. Whilst I disagreed with the Council in relation to the scope for highway work to address safety concerns, through its reason for refusal, officer report and appeal statements it presented respectable evidence and exercised reasonable judgement to substantiate its decision to refuse planning permission. As a result, it did not prevent development which should clearly have been permitted having regard to its accordance with the development plan, national policy and any other material considerations. It therefore did not act unreasonably.
8. Taking all these matters into account, I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in PPG, has not been demonstrated. An award of costs is therefore not justified.

Ian Radcliffe

Inspector