



Costs Decision

Site visit made on 4 May 2021

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th June 2021

Costs application in relation to Appeal Ref: APP/K0425/W/20/3262639 Former farmyard to the rear of Crofters, Chinnor Road, Bledlow Ridge, HP14 4AJ

- 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 and Mrs D Turner for a full award of costs against Buckinghamshire Council – Wycombe Area.
 - The appeal was against the refusal of planning permission for the change of use of redundant farmyard and agricultural buildings to create a converted single storey 2 bed dwelling, annexe and workshop. Demolition of existing redundant farm building and the erection of replacement building to form 3 x bay garage.
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Decision

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

Reasons

2. The Planning Practice Guidance (the 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 appeal has been dismissed and therefore, the Council has not prevented or delayed development which should clearly be permitted, having regard to its development plan, national policy and any other material considerations. Notwithstanding this, it has submitted a planning statement providing objective analysis in supporting its reasons for refusal relating to whether or not the development amounts to inappropriate development. Furthermore, it has detailed its objections within the context of a legal judgement referred to by the applicants.
4. In respect of the applicants' technical construction reports, it has come to a different overall conclusion as to whether the developments for Buildings A, B and D amounted to re-use or were suitable for residential use based on national and local planning policy. It has supported its view with substantiated evidence. In this regard, it has detailed the construction nature of the buildings and the nature of the proposed building works, taking into account the legal judgement.
5. In respect of Building B, the main decision here has come to a different conclusion based on the current construction nature of the building. However, the Council has provided and substantiated its evidence that the building has

been altered without benefitting from agricultural permitted development rights in support of its view. In respect of Building C, the Council has demonstrated that the replacement building is in a different use to that previously and so would not benefit from the relevant exception. For all these reasons, the Council has not ignored the facts and circumstances appertaining to the appeal proposal. It has reached a conclusion on the basis of all the evidence and although this is different to the applicants, it is entitled to do so on this basis.

6. The National Planning Policy Framework requires that the Council must act in a positive way, seeking solutions and working pro-actively with applicants to bring forward development. However, the Council has given pre-application advice and the onus was upon the applicants to come back with a proposal to address the Council concerns to progress matters. Furthermore, the guidance¹ also indicates that the costs cannot be claimed for the period during the application process. It states costs can only be awarded in relation to unnecessary or wasted expense at the appeal. Behaviour and the actions at the time of the planning application can be taken into account in the Inspector's consideration of whether or not costs should be awarded during the appeal process but for the reasons indicated, it has not been unreasonable in reaching its decision.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Jonathon Parsons

INSPECTOR

¹ Section Appeals paragraph 033 Reference ID: 16-033-20140306 Revision date 06 03 2014