
Costs Decision

Site visit made on 22 June 2021

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2021

Costs application in relation to Appeal Ref: APP/N0410/W/20/3264775 Land South of Rowley Lane, Wexham, Buckinghamshire SL3 6PD

- 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 Terry Daniel (Daniel Family Homes) for a full award of costs against Buckinghamshire Council.
 - The appeal was against the refusal of planning permission for residential development consisting of 5no. dwellings with associated access and landscaping, following demolition of existing buildings associated with the livery and storage uses on site.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and this has directly caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The application needs to clearly demonstrate that this is the case, as parties in planning appeals normally meet their own expenses.
3. The PPG provides examples of unreasonable behaviour by local planning authorities. This includes both procedural matters, such as delay in providing information or other failure to adhere to deadlines; and substantive matters, including: preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and other considerations; vague and generalised or inaccurate assertions about a proposal's impact which are unsupported by an objective analysis; persisting in objections to a scheme or elements of a scheme which an Inspector has previously indicated to be acceptable; and, not determining similar cases in a consistent manner.
4. The main issue in the appeal relates to whether the proposed development would be inappropriate development in the Green Belt. The decision taken by the Council was contrary to the recommendation of Council officers. Nevertheless, Council members are not bound to accept the recommendations of their officers, though they must act rationally on the basis of valid material planning considerations in doing so.
5. The National Planning Policy Framework outlines that the construction of new buildings, other than in connection with a small number of exceptions set out in paragraph 145, should be regarded as inappropriate development. The

exception set out in paragraph 145(g) concerns the limited infilling or the partial or complete redevelopment of previously developed land, providing that it would not have a greater impact on the openness of the Green Belt than the existing development. This is inevitably a matter of planning judgement having regard to spatial and visual aspects of Green Belt openness. In this regard, the Council's appeal statement includes concerns relating to vehicular movements, parking of vehicles, domestic paraphernalia and domestic appearance of the proposed buildings i.e. the visual aspect of Green Belt openness.

6. Whilst I have formed my own view and allowed the appeal, this is based on my own observations and the evidence as put to me by the parties. I am satisfied that the Council has substantiated the reasons for its decision, and it has not acted unreasonably. The Committee Report refers to the previous appeal decision¹ at the site and so members would have been aware of this material consideration when reaching their decision. Given that the current proposal relates to a larger site and provides more dwellings than the previous appeal scheme, the Council was entitled to consider the application on its own merits.
7. Taking the above into account, I conclude that it has not been demonstrated that the Council behaved unreasonably or that it caused unnecessary or wasted expense for the applicant in the appeal process as a result.

Conclusion

8. For the reasons given above, I determine that the costs application should fail and no award is made.

C Osgathorp

INSPECTOR

¹ Appeal reference: APP/N0410/W/17/3169955