
Costs Decision

Site visit made on 6 July 2021

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 23rd August 2021

Costs application in relation to Appeal Ref: APP/J0405/W/21/3272157 Petford Lea, Main Road, Buckland HP22 5HU

- 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 Pendley (Buckland) Ltd and Mr & Mrs Morley for a full award of costs against Aylesbury Vale District Council.
 - The appeal was against the refusal of planning permission for demolition of existing buildings to front and rear of Petford Lea and construction of 2 No. detached dwellinghouses; and alterations and first floor extension to Petford Lea.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. It adds that examples of unreasonable behaviour by local planning authorities include vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The first reason for refusal relates to loss of employment land. The previous Inspector concluded that the development would not result in a loss of employment land and it would accord with the Policy GP17 of the Aylesbury Vale District Local Plan Saved Policies 2007, BP9 of the Buckland Neighbourhood Plan and the National Planning Policy Framework. Those comments were material considerations that were taken into account by Council. However, since the emerging Local Plan was at a different stage than the previous appeal, the Council did not behave unreasonably by having regard to it and coming to a different finding. In any event, each case must be determined on its individual merits.
5. The fourth reason for refusal relates primarily to the effect of the proposed development on the character and appearance of the Conservation Area and the setting of nearby listed buildings.
6. The Heritage Statement of Case submitted by the Council as part of the appeal clearly sets out the significance of the CA and listed buildings in the view of the Council and provides adequate analysis of the area including local pattern of

development and materials and discusses the effect of the proposal on the heritage assets. As such, even if the Council did behave unreasonably in this respect during the application process, wasted expense during the appeal process has not been incurred in respect of the fourth reason for refusal.

7. Overall, although I have disagreed with some of them, the reasons for the refusal set out in the decision notice are complete, precise, specific and relevant to the application. It also clearly states the policies of the development plan that the proposal would be in conflict with, in their view. These reasons have been adequately substantiated in the Council's Written Statement submitted as part of the appeal.
8. Accordingly, I consider that the Council has not failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision. The Applicant had to address those concerns and the evidence of third parties in any event.

Conclusion

9. Consequently, unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

R Sabu

INSPECTOR