



Costs Decision

Site visit made on 15 November 2021

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 10 December 2021

Costs application in relation to Appeal Ref: APP/N0410/W/21/3277780 Top Cottage, Hollybush Hill, Stoke Poges SL2 4PX

- 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 Amarjit Saini for a full award of costs against Buckinghamshire Council.
 - The appeal was against a refusal of planning permission for the demolition of existing dwelling and erection of new dwelling with double garage.
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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 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 applicant's application for costs primarily hinges on the appeal property allegedly not warranting protection as a non-designated heritage asset (NDHA). The applicant also alleges that the way the Council identified Top Cottage as an (NDHA) during determination of the planning application was procedurally flawed.
4. Whilst the lawfulness of the local listing of Top Cottage falls outside of the remit of this appeal, it's important to note that there is no formal statutory process for such designation. PPG is clear that buildings can be identified as NDHAs as part of the decision-making process on planning applications. Historic England's Advice Note 7¹ echoes this guidance, highlighting that NDHAs may be identified during consideration of planning applications "*as evidence emerges*". Nothing in the PPG, the Framework (2021) nor Historic England's guidance requires a decision-making body to have an adopted policy in place before it can identify such assets in this way.
5. In any event, based on observations during my site visit, the Initial Assessment Report from Historic England², evidence from the Council's Heritage Officer as well as numerous representations from the local community, including The Stokes Poges Society, I consider that Top Cottage bears sufficient historical local significance to warrant identification as an NDHA. The greater protection

¹ Historic England, Local Heritage Listing: Identifying and Conserving Local Heritage

² Historic England, Initial Assessment Report: Little Chesters and Top Cottage, 4 December 2020

afforded to it as an NDHA is therefore justified in this instance. On this basis, it was reasonable for the Council to conclude that the loss of Top Cottage (as an NDHA) would cause substantial harm, and that the benefits deriving from the proposal would not outweigh this harm.

6. For these reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated in this instance.

James Blackwell

INSPECTOR