



Costs Decision

Site visit made on 31 January 2022

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2022

Costs application in relation to Appeal Ref: APP/J0405/W/21/3266711 Land adjacent to Dun Romain Park, Whitfield Road, Buckinghamshire NN13 5TD

- 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 Hughie Doherty for a full award of costs against Buckinghamshire Council.
 - The appeal was against the refusal of planning permission for a proposal described as 'Change of use of land from agricultural to a mixed use for the creation of two Gypsy pitches & associated works, and the construction of stabling tack room / feed store and fodder storage'.
-

Decision

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

Reasons

2. Irrespective of the outcome of the appeal, the Planning Practice Guidance (PPG) states that an award of costs may only be made against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The appellant submits that it was unreasonable of the Council to refuse the proposal, in part, because of a perceived lack of demand from Gypsies and Travellers wishing to live at the Sunset Park Homes site (formally Dun Romain Park). This is because the site is not available to Travellers, even if they wanted to live there, because the pitches are occupied by non-travellers.
4. Nevertheless, the Council's supply of pitches is not confined to the Sunset Park Homes site. There are other pitches and sites allocated in Policy S6 of the VALP¹, and these were not overtly considered by the appellant. Accordingly, I concluded in my formal decision that the appellant has not demonstrated a general unmet need for pitches. As a result, the Council's reason for refusal pertaining to the failure of the appellant to demonstrate a need was not unreasonable, especially as the matter had recently been considered through a local plan examination.
5. In raising concerns regarding the impact on the character and appearance of the area, the Council did not refer to its own Landscape Character Assessment. This omission is an oversight, but the Council's findings on this point were not unreasonably vague or generalised and were arrived at in the context of

¹ Vale of Aylesbury Local Plan 2013-2033

findings reached by previous Inspectors², albeit that one of the Inspectors found only limited harm in respect of the impact on character and appearance³.

6. I do not share the Council's view that the proposal would result in significant harm. But it was not an unreasonable finding, being a genuinely held professional opinion properly articulated. Thus, the Council has not prevented development that should clearly have been approved, or failed to substantiate its reasons for refusal.

Conclusion

7. In light of the above, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not occurred. As a result, the application for costs is refused.

Graham Chamberlain,
INSPECTOR

² Council reference 07/01570/APP and 10/01639/APP

³ APP/J0405/A/11/2144647 – DL34