



Costs Decision

Site visit made on 1 March 2022

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 April 2022

Costs application in relation to Appeal Ref: APP/X0415/W/21/3277175 Bendrose Farm, White Lion Road, Little Chalfont HP7 9LJ

- 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 J Hance for a full award of costs against Buckinghamshire Council – East Area (Chiltern).
 - The appeal was against the refusal of planning permission for demolition of all buildings and redevelopment to form 6 dwellinghouses, with associated hard and soft landscaping and highway improvements.
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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 that the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Awards can be based on either procedural or substantive matters.
3. It is the appellant's case that in refusing planning permission on a character and appearance basis, the Council disregarded pre-application advice, thereby running contrary to the value that is placed on such discussions by the Government. In the appellant's view, had the Council been more consistent in their approach, those aspects would not have had to be rebutted through the appeal process. The appellant does note, however, that the Green Belt considerations were not affected by this course of events.
4. I note the appellant's frustrations regarding the design considerations. However, based on the evidence before me, I concur with the decision made by the Council on this matter, and I am satisfied that they have suitably articulated their case. Moreover, the fundamental Green Belt objection has also been upheld. Accordingly, I am entirely satisfied that the Council have not prevented development that should have been approved from coming forward.
5. Consequently, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated and that therefore, an award of costs is not justified.

Martin Chandler

INSPECTOR