

Costs Decision

Site visit made on 5 April 2022

by John Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 May 2022

Appeal Ref: APP/K0425/W/21/3285116

5 Plomer Hill, High Wycombe HP13 5JQ

- 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 Andrew Main, for a full award of costs against Buckinghamshire Council.
 - The appeal was against refusal of planning permission for the Demolition of existing dwelling and construction of 6 x 2-bed units and 3 x 1-bed units using footprint of development 18/08086/FUL, permitted at appeal APP/K0425/W/19/3237567.
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Decision

1. The application for an award of costs is dismissed

Reasons

2. The National Planning Practice Guidance (PPG) advises that irrespective of the outcome of an appeal, costs may only 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. Paragraph 032 of the PPG indicates that costs applications may relate to events before the appeal or other proceeding was brought, but costs that are unrelated to the appeal or other proceeding are ineligible. Awards cannot extend to compensation for indirect losses, such as those which may result from alleged delay in obtaining planning permission.
4. The applicant alleges that the appeal is only necessary because the Council failed to consider the application in an appropriate manner. In particular the applicant refers to the fact that the application was recommended for approval by the Council's Planning Officer, and this was 'unjustifiably' overturned by the Council's Planning Committee.
5. From what I have read, it would appear that the members of the Council's Planning Committee were fully conversant with the development and were provided with a comprehensive Officer Report, setting out the relevant policies of the development plan and the effects of the proposal. It also appears from the evidence before me that the Committee also took into account previous appeal decisions and fully debated the proposal before reaching a decision. Consequently, it does not appear to me that the Council acted unreasonably in coming to its decision.

6. Although, as can be seen from my decision, I found differently to the Council in terms of the effect of the proposed development on the character and appearance of the area, and on the living conditions of neighbouring occupiers, I am satisfied that the Council substantiated its reasons for refusing the application, making reference to development plan policy.
7. I therefore conclude that, for the reasons set out above, 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 matters raised, an award of costs is not justified.

John Gunn

INSPECTOR