

Costs Decision

Site visit made on 1 June 2022

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2022

Costs application in relation to Appeal Ref: APP/X0415/D/22/3291158 Little Mead, 12 Woodchester Park, Knotty Green HP9 2TU

- 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 Mrs S Hussain for a full award of costs against Buckinghamshire Council.
 - The appeal was against the refusal by the Council of an application for planning permission for a new flat roofed detached garage, with repositioned vehicular access, gates and railings as previously approved ref PL/21/2064/FA.
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Decision

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

Reasons

2. Parties in planning appeals and other planning proceedings normally meet their own expenses, but 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. An application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in such unnecessary or wasted expense.
3. The PPG states that local planning authorities will be at risk of an award of costs if, amongst other things, they:
 - Prevent or delay development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations;
 - fail to produce evidence to substantiate each reason for refusal on appeal;
 - do not determine similar cases in a consistent manner; or
 - persist in objections to a scheme or elements of a scheme which an Inspector has previously indicated to be acceptable.
4. The claimant submits that the Council has acted unreasonably by:
 - (i) misunderstanding the submitted plans; (ii) misunderstanding the impact of the proposed development on the street scene, with reference to other similar proposals that have been allowed; (iii) misapplying its own guidance;
 - (iv) misunderstanding the Inspector's reasons for dismissing the previous

appeal; and (v) failing to produce any substantive evidence to justify its refusal of the appeal application.

5. No specific points have been cited in support of the assertion that the Council misunderstood the submitted plans. In the appeal decision itself I have largely agreed with the Council's assessment of the impact of the development on the street scene. It has provided sufficient evidence to justify its refusal of the application, in the form of its reasonable analysis of local character and the appeal proposal.
6. The neighbouring garage at 10 Woodchester Park, which is somewhat perched above the development site, is certainly dominant in some views and is a material consideration, both in assessing the impact of the proposal and in terms of the consistency of Council decision making. It does not necessarily mean, however, that further built development that would sit in the same view is acceptable. Neither the garage at No 10 nor any of the other garages on Woodchester Park, are so similar to the appeal proposal that the Council could justifiably be accused of unreasonably inconsistent decision making.
7. In the previous appeal decision, the Inspector's assessment was that the proposed garage would have been out of character with the area and would cause harm due to its siting, as well as its bulk and height. It was wholly reasonable for the appellant to try to address that objection by reducing the height and bulk of the building, but it was also reasonable for the Council to maintain an objection largely based on the siting of the garage as this did not change significantly.
8. The Council has not sought to place excessive weight on its Chiltern and South Bucks Townscape Character Study, citing it only to back up its assessment rather than as a policy reason for refusal. The claimant appears to assert that the Council's Residential Extensions and Householder Development Supplementary Planning Document (SPD) specifically supports garages that are sited front of main elevations. The SPD does not rule out such siting, but does urge that care is taken. Woodchester Park is in part characterised by garages in front gardens, but in my assessment none of these are directly comparable to the appeal proposal.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Les Greenwood

INSPECTOR