



Costs Decision

Site visit made on 4 October 2022

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 11 October 2022

Costs application in relation to Appeal Ref: APP/K0425/W/21/3287583 Agricultural Building North of Hedsor Hill Barn, Hedsor Hill, Hedsor SL8 5JN

- 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 James Copas for a full award of costs against Buckinghamshire Council.
 - The appeal was against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), for a change of use and conversion of existing agricultural barn to create 1 x 1 bed dwelling house and 1 x 2 bed dwelling house (2 in total) and associated operational development
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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. In this instance, the applicant alleges that the Council's determination of the appeal application was flawed, as it was not backed up by evidence.
3. The outcome of the appeal hinged on whether the appeal property was in situ on or before 20th March 2013. Whilst ultimately, I have disagreed with the Council's conclusions in this regard, I do not consider that its assessment of the proposal was unreasonable.
4. The officer report comprehensively assessed the proposal against each of the relevant criteria under Class Q. It was also explicit that the applicant's evidence, including the content of the statutory declarations, had been taken into account. Indeed, the content of the statutory declarations helped inform the Council's opinion that the agricultural building had been substantially replaced, as opposed to repaired, and as a consequence, that the building could not benefit from deemed permission under Class Q.
5. There will invariably be a degree of opinion and subjectivity during determination of a planning application, and in the case of prior approval, determination will also require an interpretation of the relevant legislation. Differences of opinion in this regard would not constitute unreasonable behaviour. As set above, the Council's assessment of the appeal application was thorough, and could not be described as vague or generalised.

6. On this basis, 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