



Costs Decision

Site visit made on 18 October 2022

by Nichola Robinson BA (hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 November 2022

Costs application in relation to Appeal Ref: APP/J0405/W/22/3299308 Wellonhead, The Barracks, Hillesden MK18 4DD

- 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 N Caldwell for a full award of costs against Buckinghamshire Council.
 - The appeal was against the refusal of outline planning permission for the erection of a new single storey dwelling.
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Decision

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

Reasons

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and therefore caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour may be procedural and/or substantive. In this instance, the applicant refers to the Council's alleged unreasonable approach during the determination of the planning application.
3. The applicant states that in reaching such a view the Council's decision failed to properly consider the site setting and landscape impact. It is also stated that the third reason for refusal did not reflect the comments of the Council's ecologist.
4. With regards to the first two refusal reasons, I have found in favour of the Council, and I am satisfied that the Council have presented a suitably substantiated case in support of their decision which went into appropriate detail on site setting and landscape impact. With regards to refusal reasons 1 and 2 the Council's case was, therefore, supported by substantive evidence and no unreasonable behaviour has occurred.
5. The Council has stated that refusal reason 3 was cited in error and both parties agree that this refusal reason does not reflect the consultation comments of the Council's ecologist. No justification within the Officer's Report is given for departing from this view. This constitutes unreasonable behaviour. However, I have not been presented with any evidence of substantive work undertaken preparing a case in respect of the third refusal reason, and therefore wasted expense has not been demonstrated. As the appeal was inevitable due to refusal reasons 1 and 2, I find that this unreasonable behaviour did not result in unnecessary or wasted expense during the appeal.

6. The applicant also states that unnecessary delays in the determination of the application amounted to unreasonable behaviour. Whilst the delays in determining the application are unfortunate, I note that the Council did ultimately make a decision on the application. Therefore, the applicant did not incur unnecessary or wasted expense in the appeal process as a consequence of these delays.
7. I find that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated.

Nichola Robinson

INSPECTOR