



Costs Decision

Site visit made on 22 November 2022

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2022

Costs application in relation to Appeal Ref: APP/J0405/W/22/3301361 Agricultural Building To The North of Crabs Grove, Whitchurch, Buckinghamshire HP22 4JF

- 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 Sarah Hollands for a full award of costs against Buckinghamshire Council.
 - The appeal was against the refusal of planning permission for the conversion of a traditional agricultural building to a residential dwelling.
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Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) advises that costs may be awarded against a party who has behaved unreasonably and so caused the applicant unnecessary expense in the appeal process. This application claims unreasonable behaviour by the Council in terms of preventing development that clearly should have been permitted having regard to the development plan, national policy and other material considerations.
3. The National Planning Policy Framework encourages planning authorities to approach decisions on proposed development in a positive and creative way. It is suggested that the Council has failed in these regards as it did not raise concerns with the appellant that could have been addressed through the submission of additional information. However, the costs application refers to a telephone conversation with the Council's officer and the subsequent submission of an email that sought to address concerns regarding access. This indicates that the Council alerted the appellant to at least one of its objections prior to the determination of the planning application.
4. It is unclear whether the Council raised its concerns with the appellant over the structural integrity of the subject buildings and the effect on the character and appearance of the area before issuing its decision. However, these are matters of planning judgment and while I do not agree with the concerns, the Council has appropriately explained its reasons for refusing planning permission. The objections are not unreasonable. Also, the Council is entitled to determine the planning application based on the submitted information. I have found the proposal would be unacceptable in terms of pedestrian access and so it follows that the Council has not refused development that should have been permitted.

5. For the above reasons, I conclude that the costs application fails to demonstrate unreasonable behaviour as described in the PPG. Therefore an award of costs is not justified

Jonathan Edwards

INSPECTOR