
Costs Decision

Site visit made on 18 November 2022

by Timothy C King BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 March 2023

Costs application in relation to Appeal Ref: APP/X0415/C/22/3293635 Land at Rosewood Farm, Watchet Lane, Little Kingshill, Great Missenden , Bucks HP16 0DR

- 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 Thomas Rose for an award of costs against Buckinghamshire Council.
 - The appeal was against the Council's decision to issue an enforcement notice against the construction of a detached dwelling.
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Decision

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

Reasons

2. Paragraph 030 of the Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. The guidance indicates that a party could be at risk of an award of costs if it fails to produce evidence in a timely manner.
3. The applicant takes issue with the Council introducing a revised or updated application which sought a full award of costs the day before the Hearing reconvened. Although the Council had previously submitted one relating to procedural grounds the new claim cited also substantive grounds, and the applicant felt that there was little time to respond to the updated claim.
4. However, the applicant does state that the claim is "*largely repetitious*" and, having read the contents of both the original and the updated grounds I see little difference in the substance of the claim. The second application largely shows the original text having been re-ordered and appears to be more of a response to the earlier comments made by the applicant to the initial application.
5. Realistically, by the day before the Hearing reconvened all the issues arising from the appeal, and the potential weaknesses of the parties' respective cases, would have been clear and fully rehearsed. As such, I consider this application to be without merit.
6. Accordingly, for the reasons given above, I am satisfied that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

7. I therefore refuse the application for an award of costs.

Timothy C King

INSPECTOR