



Costs Decision

Site visit made on 25 April 2023

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th May 2023

**Costs application in relation to Appeal Ref: APP/J0405/W/23/3316912
Dunsty Hill Farm, Edgcott Road , Calvert Green , Buckinghamshire,
OX27 0BJ**

Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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.
3. The appellant says that the Council's actions in refusing planning permission constitutes unreasonable behaviour as it has prevented development which should clearly have been permitted in accordance with legislation and well-established case law. It is submitted that as result the appellant has incurred the unnecessary expense of having to obtain legal opinion and prepare a case for the appeal.
4. In the planning appeal I concluded, on the evidence put forward and my observations at the site visit, that the proposed external alterations exceed what is reasonably necessary to ensure that the existing building is retained to facilitate the proposed commercial uses, and it is more likely that the proposal would result in the construction of a new building beyond the scope of Class 3 of Schedule 2 of the GPDO.
5. The Council's decision to refuse the application on this principal ground was therefore sound and it did not refuse development that should have been permitted. The Council therefore did not act unreasonably and the costs borne by the appellant company were the normal costs arising when the right of appeal is exercised.

David Murray

INSPECTOR