



Costs Decision

Site Visit made on 19 April 2023

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th August 2023

Costs application in relation to Appeal Ref: APP/N0410/W/22/3302144 80 High Street, Iver SL0 9PJ

- 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 Shabaz Khaliq for a full award of costs against Buckinghamshire Council.
 - The appeal was against the refusal of the Council to grant planning permission for a small rear extension to the rear to extend the shop. New access to the front of the shop and small window to the side.
-

Decision

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

Reasons

2. Irrespective of the outcome of appeal, the Planning Practice Guidance (PPG) indicates that costs may be awarded where a party has behaved unreasonably, and that unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. In determining the planning application, the applicant submits that the local planning authority failed to acknowledge the distance between the appeal site and the nearby listed buildings and thus the effect of the proposal on the listed buildings was misjudged.
3. The Council, in their delegated report set out that the proposed development would fail to harmonise with the character of the street scene or preserve or enhance the setting of the nearby listed buildings. This is based upon their assessment that the appeal proposal would be awkward in its positioning and unsympathetically designed. In reaching this conclusion, the officer clearly acknowledged that the listed buildings are not located adjacent to the appeal site whilst regard was also had to the advice provided by the Council's heritage officer.
4. The Council's reasoning was substantiated and supported by objective analysis of the site and its surroundings, including its proximity to the nearby listed buildings. Therefore, whilst I have found the appeal proposal to be acceptable, I do not agree that the Council acted unreasonably in this case.

Conclusion

5. For the reasons outlined above, I find that unreasonable behaviour resulting in unnecessary or waste expense, as described in the PPG has not been demonstrated.

H Wilkinson

INSPECTOR