



Costs Decision

Site visit made on 25 September 2023

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd October 2023

Costs application in relation to Appeal Ref: APP/J0405/W/23/3314130

1 Rosebery Close, West End, Hoggaston MK18 3RR

- 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 Martin Baylis for a full award of costs against Buckinghamshire Council - North Area (Aylesbury).
 - The appeal was against the refusal of planning permission for erection of 2 agricultural dwellings with ancillary domestic garages without complying with a condition attached to planning permission Ref T/APP/J0405/A/90/163903/P8 dated 9 April 1991.
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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. It adds that local planning authorities are at risk of an award of costs if they behave unreasonably with regard to the substance of the matter under appeal, for example; by not determining similar cases in a consistent manner, by preventing development that should clearly be permitted having regard to its accordance with the development plan, or by failing to produce evidence to substantiate each reason for refusal.
3. The Council's concerns were that insufficient evidence had been provided to demonstrate the agricultural workers condition was no longer necessary. The applicant suggests that a similar amount of evidence was provided on two other properties where the agricultural occupancy conditions had been lifted. However from the evidence before me; in the case of Clare Farm, substantially more marketing information was provided than that given to support the current appeal; and in the case of Greenway Farm only a single page marketing summary was provided and I cannot be confident the Council made their decision on that proposal based on only this. I do not consider therefore that these two other cases were directly comparable such that the Council's refusal of planning permission demonstrated inconsistency. Moreover, although I found the information that had been provided was sufficient to allow the condition to be removed, it was not unreasonable for the Council to consider that it was not.
4. I do not agree with the applicant's suggestion that part k of Policy H3 of the Vale of Aylesbury Local Plan, which the Council relied on in part, was not

relevant. Although the policy uses the term rural worker, whereas the disputed condition refers to a person employed in agriculture, the term 'rural worker' could cover a wide range of jobs, including an agricultural worker. As such, the requirements of that part of the policy were relevant.

5. Lastly, although the Council did not provide extensive evidence at appeal to substantiate their reason for refusal, their concerns were plain from the detailed officer report on which the reason for refusal was grounded.
6. Overall, it has not been demonstrated that the Council behaved unreasonably resulting in unnecessary or wasted expense on behalf of the applicant, as described in the PPG. Therefore, the application for an award of costs is refused.

A Owen

INSPECTOR