



Costs Decision

Site visit made on 12 March 2024

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2024

Costs application in relation to Appeal Ref: APP/K0425/W/23/3331743 7 Totteridge Road, High Wycombe, Buckinghamshire HP13 6DR

- 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 Ms N Ekuase Oke-Biddle for a full award of costs against Buckinghamshire Council.
 - The appeal was against the refusal of planning permission for the change of use of dwellinghouse (C3) to Care facility (C2), retention and use of ancillary outbuilding and erection of side extension.
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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.
3. In this instance, the planning application was refused for two reasons. The appellant has suggested that the Council acted unreasonably given that it was considered that the outbuilding was, by definition, subordinate to the original building and that the policies referred to in the Council's decision notice were inappropriate.
4. However, the wording of Policies CP9 and Policy DM35 of the Wycombe District Local Plan (2019) is clear that they should be applied to all developments, irrespective of their scale and type. These policies seek to ensure that developments do not have an adverse effect upon the character of an area. Therefore, the application of these policies to the appeal scheme was not unreasonable.
5. In addition, although the use of the outbuilding would be connected to the operation of 7 Totteridge Road, part of the purpose of warranting subordinate structures is to ensure that the character of the wider surrounding area is maintained. As the Council outlined reasons why the development failed to maintain the character of the vicinity, I do not believe that this has created wasted expense, or that vague reasoning was utilised.
6. Furthermore, it is clear from the submitted Officers Report that the use of the building did not form a reason for the refusal of planning permission. In result, it is unambiguous that the concerns expressed by the Council related to the effect upon the character of the area and whether appropriate living conditions

would be provided for the occupiers of the outbuilding. In result, the reasons for refusal were properly explained.

7. The Council have also explained that the appeal site, by reason of its use, does not benefit from the same permitted development rights other uses have associated with them. In result of these notable differences, it is appropriate that, in the planning process, a different decision is reached.
8. The Council's second reason for refusal, relating to living conditions, was supported by appropriate planning policies. Whilst I have disagreed with the views reached by the Council in this instance, the Council's decision was informed by relevant analysis. Therefore, this reason for refusal was not unreasonable.
9. Therefore, unreasonable behaviour resulting in wasted or unnecessary expense, as explained in the PPG, has not been demonstrated and, accordingly, an award of costs is not warranted.

Conclusion

10. For the preceding reasons, I conclude that an award of costs is not justified. Therefore, the application should be refused.

Benjamin Clarke

INSPECTOR