



Costs Decision

Site visit made on 15 February 2024

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 May 2024

**Costs application in relation to Appeal Ref: APP/K0425/C/23/3328571
Land between A404 and Clubhouse Water Sports Club, Fieldhouse Lane,
Marlow (Registered by HM Land Registry under title: BM238686)**

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Buckinghamshire Council for a partial award of costs against Folbro Y Ltd.
- The appeal was against an enforcement notice alleging a material change of use of the land to use for the parking of motor vehicles, and integral to that use, the undertaking of engineering operations to create a vehicular access, the erection of fencing and laying of hardstanding.

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) advises¹ 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. Unreasonable behaviour can be either substantive² – relating to issues arising from the merits of the appeal, or procedural³ – relating to the process.
3. The applicant's claim is on procedural grounds and concerns the submission of additional evidence in relation to the appeal on grounds (a) and (e), which was considered to be unreasonable. The applicant refers to paragraph 8.2 of the *Procedural Guide: Enforcement notice appeals – England* which sets out the timetable for a written representations appeal and asserts that this states that no new evidence is allowed.
4. However, the timetable at paragraph 8.2.2 of the Procedural Guide clearly sets out that 'any further representations' may be submitted by an appellant within 6 weeks from the start date of the appeal. This is further confirmed at paragraphs 8.2.8 where it is made clear that, whilst an appellant may rely on their appeal form and accompanying documents, further representations can be made within 6 weeks of the start date.
5. In this case the further representations by the appellant were provided on the 14 December 2023, which was the deadline for any such representations to be made. The information provided did not introduce any new grounds of appeal and the Council subsequently had opportunity to provide comments in relation

¹ PPG Paragraph: 030 Reference ID: 16-030-20140306

² PPG Paragraph: 049 Reference ID: 16-049-20140306

³ PPG Paragraph: 047 Reference ID: 16-047-20140306

to it in accordance with the timetable set out in the procedural guide.
Accordingly, the applicant did not act unreasonably nor did the Council incur any unnecessary or wasted expense as a consequence.

Conclusion

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

David Jones

INSPECTOR