



Costs Decision

Site visit made on 4 September 2024

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 October 2024

Costs application in relation to Appeal Ref: APP/J0405/W/24/3344418 18 North End Road, Quainton HP22 4BD

- 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 and Mrs Selby for a full award of costs against Buckinghamshire Council.
 - The appeal was against the refusal of the Council to grant permission in principle for a minimum of one and a maximum of one detached dwelling.
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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. On 4 April 2024 the Council advised the applicant of their intention to refuse the planning application ref 24/00706/PIP, citing conflict with Policies D3 and BE2(a) of the Vale of Aylesbury Local Plan (the Local Plan). In response, the applicant cited Policy QP4 of the Quainton Neighbourhood Plan (the Neighbourhood Plan), reiterating a point made in their original submission. Policy QP4 refers to housing mix, and requires that "Housing Development schemes should demonstrate the proposed mix and type of dwellings that reflect the housing needs in the village for two and three bedroom properties suitable for families with young children".
4. The application was for permission in principle, a two-stage process in which the first establishes whether a site is suitable in-principle, with the second addressing technical details. The Council decided that housing mix was not an issue relevant to the principle of development, but rather to the detailed stage, and that as the proposal was for one dwelling it did not involve a mix of housing. The delegated report omitted Policy QP4 from the list of development plan policies relevant to the application, and it played no part in the determination.
5. The PPG states that a decision on whether to grant permission in principle must be made in accordance with relevant policies in the development plan unless there are material considerations which indicate otherwise, but also that the scope of permission in principle is limited to location, land use and amount of development, with other matters to be considered at the technical details consent stage.

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6. In respect of the number of dwellings proposed: If, as put forward by the Council, Policy QP4 could be relevant at the technical details stage then it could be relevant at the in-principle stage, as the number of dwellings would remain as one. Furthermore, it is at least possible, if not likely given the size of the appeal site, that the proposed dwelling would be a two- or three-bedroom home, and I see no reason why that prospect could not have been considered as part of the principle of development.
 7. Notwithstanding the above, the in-principle stage does not include details as to the number of bedrooms in the proposed dwelling and, as local authorities cannot list the information they require for applications for permission in principle in the same way they can for planning applications, the Council could not have sought that information. In this context, and whilst the Council could have considered Policy QP4, its decision not to was reasoned. Moreover, I have no evidence that had Policy QP4 been considered it would have led to a different decision, and no evidence that the applicant could have avoided the costs associated with the appeal, therefore.

Conclusion

8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

A Knight

INSPECTOR