The Planning Inspectorate

Costs Decision

Site visit made on 10 September 2024

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2024

Costs application in relation to Appeal B Ref: APP/J0405/W/24/3341660 Gubbins Hole Farm, Edgcott Road, Marsh Gibbon, Buckinghamshire OX27 0AN

- 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 Kate Solomon for a full award of costs against Buckinghamshire Council.
- The appeal was against the refusal of planning permission for change of use of former agricultural buildings to be used for ancillary purposes.

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. The appellant's claim for costs relies on that the Council have speculated on future planning applications and development, did not consider the current use of the appeal site correctly and did not justify its reasons for refusal clearly.

4. The planning application proposes no external alterations to the existing agricultural buildings, however, the Council considered that there may be the intention to seek permission in the future to make external changes. There is little evidence to suggest that this might be the case, however, the Council consider that the open sided nature of the building may be unsuitable for domestic storage which is not unreasonable to consider.

5. The Council were provided with details of the stewardship scheme that the appeal site is apart of, including the length. While the Council appear to have overlooked this at the time of the application, they considered that not enough detail was provided which is not unreasonable for them to consider.

6. In regard the future use of buildings on the site and demand for further buildings in the future, the Council must consider the potential future users and occupiers of the site. In this regard, while the site is currently within a stewardship scheme, this could change in the future and as such, I do not find the Council unreasonable in considering this potential change.

7. As no external alterations are proposed to the agricultural building it would remain to have the appearance of an agricultural building. However, due to the

open sides its use for domestic storage would be visually different from agricultural storage and would therefore have an effect on the character and appearance of the area. The Council were therefore not unreasonable to reach this view.

8. The Council considered that the size of the building, which is larger than the original dwellinghouse would not be justified based on the evidence before them for the level of storage required. The Council have justified their reason for reaching this view and it is supported by relevant Policy and as such is not unreasonable.

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

D Wilson

INSPECTOR