



Costs Decision

Hearing held on 1 October 2024

Site visit made on 1 October 2024

by Zoë Franks Solicitor

an Inspector appointed by the Secretary of State

Decision date: 4TH NOVEMBER 2024

**Costs application in relation to Appeal A Ref: APP/J0405/C/22/3313816
Land adjacent to 64 Winslow Road, Granborough, BUCKINGHAM, MK18
3NQ**

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 Mr Thomas Sullivan for a full award of costs against Buckinghamshire Council. The appeal was against an enforcement notice alleging the material change of use of the land to mixed use of residential and equestrian.

**Costs application in relation to Appeal B Ref: APP/J0405/W/22/3312086
Stately Stables, Winslow Road, Granborough, BUCKINGHAM, MK18 3NQ**

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 Thomas Sullivan for a full award of costs against Buckinghamshire Council. The appeal was against the refusal of planning permission for the siting of 1 mobile home for residential use by Gypsy/Traveller family.

Decisions

1. The application for an award of costs in both appeals is refused.

The submissions for Mr Thomas Sullivan

2. The costs application was made orally at the hearing. Planning permission should have been granted particularly taking into account the grant of permission for the site opposite, the only difference being that the development on the appeal site was for use as a Gypsy and Traveller site.
3. As the first reason for refusal was withdrawn by the Council, the only matter left was that of the effect on the character and appearance of the countryside. The Council have been aware of their lack of provisions of sites for many years, and therefore should have accepted that the appeal site was not in conflict with Policy D11, particularly as the site does not have a "significant adverse impact" on the character of the area.
4. The need for pitches has been evident for many years as can be seen in appeal decisions going back to 2018. In addition, the Council accepts that the need referred to in Policy D11 includes a personal need, and should therefore have applied the policy taking into account the Applicant's personal need notwithstanding any dispute relating to a general need. This should have allowed for this point to be conceded much earlier.

5. A full award of costs should be made because the permission should have been granted in accordance with the policy. In any event a partial award should be made to reflect the limited issues which remained and which could have been dealt with by way of written representations which would have saved much of the cost incurred in the appeal. The Council acted unreasonably in not conceding the points as set out above sooner.

The response by the Council

6. The response was made orally at the hearing. The Council had requested that the matter be dealt with by way of hearing rather than inquiry once the first reason for refusal was no longer being defended, and therefore sought to minimise the associated costs.
7. Following the adoption of the VALP in 2021 which was found to be sound at that time including in relation to the pitch requirements, the position regarding the general need for pitches was not clear until the recent appeal decision received in September 2024. At which point the Council conceded this point but did not have time to get the matter reconsidered by Committee before the hearing prior to the appeal. The Council did not therefore act unreasonably at any time.

Reasons

8. 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.
9. The Council were entitled to rely on the VALP following its adoption in 2021 notwithstanding that previous appeal decisions had also considered the need for and supply of pitches. Whilst I found the development does not cause harm to the character and appearance of the area, this is a matter of planning judgement. Many objections to the development were made on this basis and the Council explained their case in relation to this point, including in relation to the difference in the use on the site opposite.
10. The Council also acted reasonably in seeking to have the procedure changed to a hearing. Had I not found the development to be in accordance with Policy D11 and the development plan as a whole it would have been necessary to consider the appellant's personal circumstances. These were dealt with in more detail during the hearing, and could not necessarily have been dealt with solely by written representations.
11. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Zoë Franks

INSPECTOR