



Costs Decision

Site visit made on 22 October 2024

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 7 November 2024

Costs application in relation to Appeal Ref: APP/N0410/W/24/3341410 Top Cottage, Hollybush Hill, Stoke Poges SL2 4PX

- 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 Amarjit Saini for a full award of costs against Buckinghamshire Council (South Bucks Area).
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance 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 applicant's reasons for seeking an award of costs is because the Council did not issue its decision within the prescribed period and as a result the applicant was required to pursue an appeal.
4. From all the information before me as submitted by both the applicant and the Council as part of the appeal, there is nothing before me to indicate that the Council would have granted permission for the amendments to the approved scheme, as sought under this proposal. The Council has set out that it was in communication with the applicant and had communicated that it would be unable to support the proposed amendments as submitted. The applicant in his appeal submission has also acknowledged this position.
5. Although the application was not determined in the prescribed period, it therefore appears to me that an appeal would have been required to pursue these specific amendments, regardless of whether the Council had issued a decision on the proposed scheme amendments, as submitted. Whether or not alternative amendments could have been agreed is not before me and my decision is specific to the proposed amendments the subject of this appeal.

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

L J Evans

INSPECTOR