



Costs Decision

Site visit made on 8 October 2024

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2024

Costs application in relation to Appeal Ref: APP/J0405/X/23/3327728 Land off road leading to A413, Lillingstone Lovell, Buckingham

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr A Godwin for a full award of costs against Buckinghamshire Council
 - The appeal was against the refusal of a certificate of lawful use or development described as "the use of agricultural land and structures placed on the land in association with the use of the land. For the purposes of the Planning Acts agriculture is not development that requires planning permission."
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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. The appellant asserts that the Council's case, within the Officer's Report, contains several inaccuracies as to what was being proposed, that the Council incorrectly states that insufficient detail was submitted to determine whether the proposal was lawful and failed to consider the information that was submitted, as well as that there was no consultation with the Council's legal officer before the application was determined.
4. While the costs claim contains no information in respect of the alleged inaccuracies, the appellant's Statement of Case outlines what it contended to be deficiencies in the Council's considerations. However, I note that the Officer's Report assesses whether the proposed development would result in operational development, and correctly refers to the tests of size, permanence, and degree of attachment. There is reference to there being insufficient information in respect of these matters, nonetheless a fact and degree assessment is undertaken in terms of the permanence and physical attachment. While there may be disagreement over the information in respect of size, despite this being provided, I do not consider that the Council would have reached a different conclusion even when considering this.
5. In terms of consultation with the Council's legal officer, there is no requirement for this, and it is within the capacity of a planning officer to consider the information submitted with applications, such as that which was submitted, and make a determination. I find no reason the lack of consultation with a legal officer would affect the determination of the application.

6. Therefore, I find nothing that rises to the level of unreasonable behaviour. As such, unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Martin Allen

INSPECTOR