Planning Inspectorate

Costs Decision

Site visit made on 4 December 2024

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2024

Costs application in relation to Appeal Ref: APP/K0425/W/23/3330547
Windmill Cottages, Main Road, Lacey Green, Buckinghamshire HP27 0QH

- 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 Millen Homes Limited for a full award of costs against Buckinghamshire Council - West Area (Wycombe).
- The appeal was against the refusal of planning permission for erection of a pair of semi detached dwellings on land to the rear of Windmill Cottages.

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 applicant is seeking an award of costs against the Council due to its reliance on the previous appeal decision on this site in respect of whether the proposal could be regarded as infilling in the Green Belt. Also, they consider that the Council misinterpreted national policy on off-site affordable housing contributions. In addition, that the Council's costs application was unreasonable in itself.

4. Whilst the Council found that the proposal did not amount to infilling, that was not solely reliant on the previous appeal decision. In their officer report, the Council set out their consideration of whether the proposal amounted to infilling against Policy DM42 of the Wycombe District Local Plan (August 2019). As such, the Council's approach was not unreasonable or unduly reliant on the previous decision. With regard to the proposed off-site affordable housing contribution, the applicant's case was that the contribution should have been sufficient to enable the proposal to fall within the exception to inappropriate development at paragraph 154. (g) of the National Planning Policy Framework (2023). However, given the great importance attached to keeping the Green Belt open, and that the development itself would not be affordable accommodation, the Council's approach was not an unreasonable one.

5. Finally, the Council was entitled to submit a costs application and I find that in doing so, it has not behaved unreasonably. Therefore, unreasonable behaviour by the Council, resulting in unnecessary or wasted expense as described in the PPG, has not been demonstrated.

Rachel Hall

INSPECTOR