



Costs Decision

Site visit made on 20 November 2024

by **S Rawle BA (Hons) Dip TP Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 20 December 2024

Costs application in relation to Appeal Ref: APP/K0425/W/24/3343634

Land adjacent to "The Rise", Hammersley Lane, High Wycombe,

Buckinghamshire, HP13 7BX

- 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 Hammersley Developments Ltd for a full award of costs against Buckinghamshire Council - West Area (Wycombe).
 - The appeal was against the refusal of planning permission to construct 2no 2 bedroom semi-detached dwellings.
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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 application essentially relies on the fact that the Council initially prepared an Officer's report to committee (committee report) which recommended approval of the proposed development and then very late in the day, they withdrew consideration of the committee report from the relevant planning committee and subsequently prepared an Officer's delegated report (delegated report) which recommended rejection and under delegated powers they ultimately refused the application.
4. The applicant also points out that there was no change in circumstances between the recommendation to approve and the recommendation to reject due to the impact the proposal would have on the streetscene and on the landscape and the Council also added a rejection ground in relation to the impact of the proposal on the character and appearance of the area without any prior indication that this was a concern.
5. The Council highlight that a senior officer having read the committee report were concerned that insufficient weight had been given to Policy HW6 of the Wycombe District Local Plan adopted August 2019 (WDLP). Although they acknowledge this led to some delay in them making a decision, the change to the recommendation which ultimately led to the rejection was not unreasonable. Further, the Council set out that it is reasonable for the case officer to make a planning judgement on the impact the proposal would have on the character and appearance of the area in

terms of both the architectural design of the proposed dwellings and on the landscape.

6. When considering the available evidence, it is clear that the appeal site forms part of a larger allocated site covered by Policy HW6 of the WDLP. Although ultimately, I have come to a different conclusion to the Council in relation to whether the proposal was premature and would conflict with Policy HW6 of the WDLP, I can understand the case put forward by the Council and consider they have made a sufficient and reasonable case in this regard.
7. Moreover, overall, I am satisfied that whether or not the proposal would harm the character and appearance of the area due to its impact on the streetscene or on the landscape was a matter of planning judgement and the delegated report makes a sufficient case to support the Council's view. Their judgement is supported by specific references to policies of the development plan. While I have come to a different judgement on the planning merits, I consider that the approach of the Council was arguable. Therefore, including these matters as reasons for refusal does not result in unreasonable behaviour.
8. I can understand the applicant's frustration that the recommendation changed between the committee report and the subsequent delegated report and that new concerns had been included. However, although I do not agree with the ultimate conclusions of the delegated report, I accept that it was a legitimate position to take, and the Council's approach was not unreasonable. It was also open to them to include additional concerns both in the delegated report and in the decision notice.
9. In my judgement, when considered in the round, the Council's case was sufficient to raise concerns about both prematurity and the impact of the proposal on the character and appearance of the area both in terms of harm to the streetscene and to the local landscape. Overall, I do not consider that the Council has acted in such a way that it should be considered to be unreasonable behaviour that has led to unnecessary or wasted expense in the appeal process to justify an award of costs. Similarly, although the change of stance did result in some delay, that was not so unreasonable as to justify an award of costs.

Conclusion

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

S Rawle

INSPECTOR