



Costs Decision

Site visit made on 26 November 2024

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 January 2025

**Costs application in relation to Appeal Ref: APP/K0425/W/24/3343786
4 Roundhill Cottages, Kimblewick Road, Kimblewick, Buckinghamshire
HP17 8TB**

- 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 Buckinghamshire Council for a partial award of costs against Philip Stiles.
 - The appeal was against the refusal of planning permission for extension to residential curtilage. Erection of dwelling and creation of associated parking and amenity areas.
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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 Council's claim for costs relies on the basis that the appellant introduced fresh and substantial evidence at a late stage necessitating an adjournment, or extra expense for preparatory work that would not otherwise have arisen. Specifically in relation to the Council's second reason for refusal which related to the impact of the development on protected species.
4. The Ecology and Trees Checklist submitted with the application stated that there were that there were no ponds within 250m of the site. No further ecological information was submitted alongside the original application and no pre-application advice was sought by the applicant. The second reason for refusal was therefore included as it was not demonstrated that the development could take place without resulting in harm to protected species.
5. In response to the Council's second reason for refusal the appellant submitted a Preliminary Ecological Appraisal (PEA) with the appeal. The appraisal was available when the appeal was submitted, and the Council had the opportunity to comment. The appraisal provides clarity rather than any significant changes to the proposed scheme.
6. I note the various correspondence in support of both sides and while the Council did suggest a PEA would be required, there were also a number of delays in answering valid questions raised by the appellant. While the presence of ponds may have been known by the appellant, the questions regarding why previous and neighbouring applications did not require this information were some of the questions that received delayed answers from the Council.

7. Also, while the PEA was required the Council made it clear that they were not supportive of the scheme for other reasons and asked whether the appellant wished the scheme to be determined or if the appellant wished to withdraw the scheme rather than allow time for the PEA to be submitted.
8. I therefore find it was not unreasonable for the appellant to have not provided the PEA with the application on the basis of the delays in answering questions and also the Council's intention to refuse the application for other reasons.
9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

D Wilson

INSPECTOR