



Costs Decision

Site visit made on 11 December 2024

by **C Rafferty LLB(Hons), Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 14 January 2025

Costs application in relation to Appeal Ref: APP/X0415/D/24/3343503

Finch House, Finch Lane, Buckinghamshire, Little Chalfont HP7 9LU

- 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 Mrs G Garrett for a full award of costs against Buckinghamshire Council.
 - The appeal was against the refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The development proposed is the erection of first floor extension over existing single storey.
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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 applicant asserts that the Council has acted unreasonably in this case. They state that the Council unreasonably ignored information such as the application form and a previous appeal decision relating to the site, which the applicant contends demonstrated that the proposal would fall under Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (the GPDO).
4. In setting out its position, the applicant refers to the case of *Gabbitas v SSE and Newham LBC* [1985] JPL 630. However, this case relates to a lawful development certificate. The applicant also makes a general statement regarding planning policy guidance (PPG) requiring refusal reasons to be based on the balance of probability. While no specific section of the PPG is referred to, it appears this too relates to lawful development certificates.
5. The appeal before me does not relate to a lawful development certificate. It relates to whether the conditions of Class AA have been met. There is no reference within Class AA to such conditions being 'on the balance of probabilities'. Nevertheless, as I have found in my appeal decision, there was evidence before me to make the appellant's evidence less than probable.
6. With regard to paragraph AA.1(c) of Schedule 2, Part 1, Class AA of the GPDO, the Council relied on the previous appeal decision that, despite stating the dwellings existed, was clear that they were still under construction. With regard to paragraph

paragraph AA.1(h), the Council relied on the lack of cross section drawings to demonstrate that the requirements were met. The Council was clear and precise about its interpretation of this evidence and why they considered that the proposal would not comply with the relevant conditions of Class AA. It did not act unreasonably in refusing the application on this basis.

7. Even if I were to find that the Council acted unreasonably in relying on satellite imagery or a sales brochure that may have related to another dwelling, it remains that the application would still have been refused for the other reasons given. As such, the current appeal would have still been required and no unnecessary or wasted expenses were incurred by the applicant as a result.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

C Rafferty

INSPECTOR