



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: 29th January 2025

**Costs application in relation to Appeal Ref: APP/K0425/W/24/3344804
12 Chestnut Lane & Jig Store And Garage, Hazlemere, High Wycombe,
Buckinghamshire HP15 7BZ**

- 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 - West Area (Wycombe) for a partial award of costs against Mr James Griffiths of Shanly Homes.
 - The appeal was against the refusal of the Council to grant planning permission for 'outline application (including details of layout/scale/access/appearance) for the demolition of the existing nursery building hard paving and garages and the erection of 2 x 3 bedroom semi-detached two storey dwellings'.
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Decision

1. The application for a partial 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 considers that the applicant acted unreasonably by only providing sufficient information to address matters relating to ecology and biodiversity at appeal. Further, that this required additional consultation and preparatory work involving the Council's ecology officers at appeal, which would not have been necessary if the information had been provided at application stage.
4. The applicant might reasonably have identified that updated ecological surveys and a biodiversity net gain assessment would have been necessary prior to the Council's determination of the application. Nevertheless, it appears that the application had been validated without such information. Moreover, the Council's costs submission confirms that when the applicant was made aware of its concerns on these matters, prior to determination of the application, it did not invite submission of additional information. This was on the basis that the application was to be refused in any event. As such, there would have been a reasonable degree of uncertainty over whether updated ecology and biodiversity details would have been considered further by the Council at that stage.
5. Accordingly, I find that the applicant did not act unreasonably in not having provided further ecology and biodiversity details at that stage, and subsequently submitting further information to address the matter at appeal.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Rachel Hall

INSPECTOR