



Costs Decision

Site visit made on 4 February 2025

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st February 2025

**Costs application in relation to Appeal Ref: APP/X0415/W/24/3350276
Land to the rear of 1 Oakington Avenue, Little Chalfont, Buckinghamshire
HP6 6SY**

- 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 full award of costs against Mr Andrew Terry.
 - The appeal was against the refusal of planning permission for retention of temporary vehicular construction access onto Amersham Road for use by the approved dwelling (PL/18/3984/FA).
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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 appellant's claim for costs relies on that the development is clearly not in accordance with the development plan, and no other material considerations such as national planning policy are advanced that indicate the decision should have been made otherwise, or where other material considerations are advanced, there is inadequate supporting evidence; and the appeal follows a recent appeal decision in respect of the same, or a very similar, development on the same, or substantially the same site where the Secretary of State or an Inspector decided that the proposal was unacceptable and circumstances have not materially changed in the intervening period.
4. The submitted plans are identical to previous applications and subsequent appeal decisions. While the appellant has submitted an additional Stage 3 Road Safety Audit, it has only identified issues with the visibility splay and the unexpected nature of the access which were already identified as part of the previous appeal decision. It was made clear that a condition could not be imposed to require that the visibility splay is maintained at all times. No legal agreement was before the previous Inspector and an incomplete and flawed Unilateral Undertaking has been provided with this appeal.
5. As such, it is clear that the appeal follows a recent appeal decision in respect of the same, or a very similar, development on the same site where an Inspector decided that the proposal was unacceptable, and circumstances have not materially changed in the intervening period and there is nothing before me to address the concerns.

6. I note that the appellant considers that the Council expressed sympathy for the appellant and that number of errors and omissions have been cited by the Council. However, the Council's reasons for refusal are clear and are supported by relevant Policies and as such, this does not alter my decision.
7. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs is therefore warranted.

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Mr Andrew Terry shall pay to Buckinghamshire Council, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
9. The applicant is now invited to submit to Mr Andrew Terry, to whose agent a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

D Wilson

INSPECTOR