



Costs Decision

Site visit made on 26 February 2025

by **Chris Couper BA (Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 March 2025

Costs application in relation to Appeal Ref: APP/K0425/W/24/3355803

223 West Wycombe Road, High Wycombe, Buckinghamshire HP12 3AS

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Ms Dominique Croft (Howarth Property) for a full award of costs against Buckinghamshire Council.
 - The appeal was against the refusal of planning permission for the change of use of the existing 6 bed house in multiple occupation (use class C3) to a 7-bed house in multiple occupation (HMO) (sui generis); and the conversion of an existing integral garage to form one 1 bed flat; and associated cycle storage.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance states that the aim of the cost's regime is, amongst other things, to encourage all those involved to behave in a reasonable way and to follow good practice, and to encourage local planning authorities to properly exercise their development management responsibilities. Parties in planning appeals normally meet their own expenses, but costs may be awarded against a party who has behaved unreasonably and has thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. At ID: 16-049-20140306 it provides examples of behaviour that may give rise to a substantive award of costs against a local planning authority. These relate to the planning merits of the appeal, and include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and other material considerations; failure to produce evidence to substantiate each reason for refusal on appeal; providing vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by objective analysis; and refusing to enter into pre-application discussions.
4. The applicant maintains that the Council incorrectly applied its parking standards given that the property was already in use as a house in multiple occupation ('HMO'), and that it failed to have due regard to the site's location in an urban area with good public transport links, and to the provision of cycle parking. She says that it gave conflicting advice which was at odds with the stance of its HMO Licensing team; that it failed to work proactively, contrary to the National Planning Policy Framework ('Framework'); and that its decision was rushed through, without providing an opportunity for the application to be amended or withdrawn.

5. For my part, I consider that the Council's decision notice and delegated report appropriately explained the harm that it considered the scheme would cause to the safety and convenience of highway users. Whilst the parties disagree regarding the existing number of parking spaces on the site, this was down to different measurements being applied, and the Council rightly considered the impact as a result of an additional bedroom in the HMO and from the creation of a separate flat.
6. Having regard to its second reason for refusal, whilst it is unclear why the Council referred to bedroom 5, which formed part of the existing HMO, the Council rightly considered whether the scheme would provide appropriate living conditions for its occupants. The HMO licencing regime is separate from the planning system, and the Council considered the application on its planning merits.
7. At appeal, it provided a more detailed analysis of evidence relating to both reasons for refusal in its written representation and its written statement on highway matters.
8. The differences between the parties on both main issues were essentially on matters of planning judgement, and the Council appropriately explained its stance having regard to the details of the proposal, the planning history, the site and its context, and to the development plan, and other material considerations, including the Framework and local guidance.
9. Finally, the Framework requires decisions on applications to be made as quickly as possible and generally within statutory timescales. As demonstrated by the email exchanges in Appendix A of the cost's rebuttal, the Council engaged with the applicant during the application process, and considered the additional evidence submitted, whilst also explaining why the proposal to remove the additional bedroom in the HMO would not be considered, and why no further consultation with Highways Officers would take place.
10. The Council's website explains that it does not accept amendments in circumstances where the scheme is considered to be unacceptable and where no initial advice was sought, or where making a scheme acceptable would need further amendments that may require further consultation. Its handling of the application was consistent with that stance, and its decision was made just within the statutory timescale. Consequently, its approach was not rushed or unco-operative, and it did engage with the applicant.
11. I am therefore satisfied that the Council appropriately exercised its duty to determine planning applications in a reasonable manner. Whilst I reached a different conclusion to the Council on both main issues, it did not prevent development which should clearly be permitted; it produced evidence to substantiate its reasons for refusal; and its decision was sufficiently precise and supported by objective analysis.
12. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated, and the application for an award of costs is refused.

Chris Couper

INSPECTOR