



Costs Decision

Site visit made on 26 February 2025

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 April 2025

Costs application in relation to Appeal Ref: APP/X0415/W/24/3345240

- 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 R Wade for a full award of costs against Buckinghamshire Council - East Area (Chiltern).
- The appeal was against the [refusal of] [failure of the Council to issue a notice of their decision within the prescribed period on an application for] [grant subject to conditions of] planning permission for [development].

1 Albert Road, Chesham, Buckinghamshire, HP5 3AB

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 has referred to the determination of the application while an extension of time could have been agreed to resolve the Beechwoods SAC and other matters. However, the PPG clearly states that costs cannot be claimed for the period during the determination of the planning application.
4. With regards car parking matters, while in determining the appeal I have not found unacceptable harm in this respect there is clearly some parking pressure in the area and the appeal scheme provides no car parking on site. As such the council's concern in this regard is not unreasonable.
5. Turning to character and appearance /design matters, the council have clearly referred to the changes to the National Planning Framework that have influenced their consideration of the appeal scheme and, while I have not agreed with the council in this instance the change in a significant material consideration of relevance and therefore the council's behaviour is not unreasonable.
6. I do not consider the finding of harm by the council with regards the living conditions of the occupiers of neighbouring properties. Indeed, in determining the appeal I have agreed with the council and the condition that the council suggested that would resolve this matter. As such I do not consider the council's behaviour to be unreasonable in this regard.
7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Mr M Brooker

INSPECTOR