Costs Decision

Hearing held on 30 October 2024

Site visit made on 30 October 2024

by Thomas Shields DipURP MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 May 2025

Costs application in relation to Appeal Ref: APP/N0410/C/23/3334228
Land West of Wexham Street north of Stoke Green, Stoke Poges, Buckinghamshire, SL0 0PA

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr James Roy Bowers for a partial award of costs against Buckinghamshire Council - South Area (South Bucks).
- The appeal was against an enforcement notice alleging a material change of use of the Land to a mixed use, comprising storage and vehicle recovery yard, and the laying of hardstanding to facilitate the unauthorised use.

Decision

1. The application is refused.

The Application

2. The costs application was made in writing after the close of the Hearing. There was no written response from the Council.

3. 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.

4. The appellant's application sets out that the Council introduced late new evidence in relation to conflict with the Green Belt purpose at paragraph 143(b) of the Framework[1]. This, it is argued, was unreasonable because purpose (b) existed in the earlier version of the Framework and did not previously form part of the Council's case.

Reasons

5. Following the close of the Hearing the December 2024 revision of the Framework significantly altered policy with regard to Green Belts. Accordingly, the Inspectorate wrote to the parties so that they could review their cases and submit any further comments within a set deadline date. Both parties did so and hence the submissions from the Council were not late.

6. The Council's post-Hearing submissions related to whether the appeal site was Grey Belt land as defined in the revised Framework. In doing so they specifically

[1] National Planning Policy Framework (December 2024)

assessed the site against the Grey Belt definition as to whether the appeal site land *“strongly contributed”* to the paragraph 143(b) purpose, concluding that it did so.

7. Whether or not land “strongly contributes” to a paragraph 143 purpose for determining whether or not land is Grey Belt is a new and different test from asking whether there is any conflict with the purpose. For example, while a single site by itself may have a some small degree of conflict with the purpose, in a wider sense it may or may not “strongly contribute” to the purpose.

8. Overall therefore the test as to whether land “strongly contributes” to Green Belt purposes, for determining whether land is Grey Belt at Framework paragraph 155, is a different test from determining inappropriateness related to conflict with Green Belt purposes at Framework paragraph 154.

9. For these reasons, notwithstanding I came to a different conclusion to the Council in respect of whether the appeal site constituted Grey Belt land, it was not unreasonable behaviour, either procedurally or substantively, for the Council to apply the new Grey Belt test.

10. Unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated and an award of costs is not warranted.

Thomas Shields

INSPECTOR