



Costs Decision

Site visit made on 8 May 2025

by Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2025

Costs application in relation to Appeal Ref: APP/J0405/D/25/3360944

The Old Barn, Lenborough Road, Gawcott, Buckinghamshire, MK18 4BP

- 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 Mr & Mrs H Pritchard-Law for a full award of costs against Buckinghamshire Council.
 - The appeal was against the refusal of planning permission for single storey extension and fenestration alterations.
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Decision

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

Reasons

2. 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. The PPG makes it clear that a Local Planning Authority (the Council) is at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal on appeal and/or makes vague, generalised, or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
3. The appeal followed the refusal of permission on 20 December 2024 for single storey extension and fenestration alterations. There was a single reason for refusal which was concerned with impact of the proposal upon the character and appearance of the host dwelling and the area. My decision, which accompanies this costs decision, agreed with the Council's decision, and dismissed the appeal.
4. The appellant's application for a full award of costs is made on the basis that they consider that the Council failed in their duty to fully engage within the planning application process (as well as that the Council determined the application three weeks prior to the determination date), and that they have misunderstood the submitted drawings and written statement provided which has resulted in failure to assess the scheme accurately.
5. I note, and the Council acknowledge, that a clear error was stated within the officer's report with regard to the ridge height of the proposal. Whilst evidently it would have been preferable for this inaccurate assertion to be identified prior to the report being finalised I find that, based upon the submissions before me, the proposal would likely still have resulted in refusal based upon other the issues identified within the refusal reason – namely those relating to the Council's opinion as to the unsuitability of the proposal in creating an 'Z shaped' dwelling within the context of the immediate area.

6. Furthermore, I find that the Council have, within their delegated report, provided reasonable justification as to their planning judgement and that the assessment could not be described as vague or generalised. The assessment of the proposal had regard to, for example, the evolution of the site, previous permissions (and reasoning) granted as well as barn conversions within the immediate vicinity of the appeal site in coming to their decision. Design, and similar associated matters, can be subjective but I find there is evidence of reasoned assessment which supported the Council's opinion and in turn the stated refusal reason. Although evidently this view was different to the appellant's view I do not find this supports that the Council were unreasonable in their behaviour – the parties simply disagreed as to the acceptability of the proposal and their approach to such matters.
7. The appellant has referred to the duty on the Council to work proactively with applicants and states that the Council were hasty in determining the proposals due to issuing a decision three weeks prior to the target determination date. I note the Council's response to this, and the inclusion of the costs decision associated with APP/K0425/W/17/3188084 (and the comments made by the Inspector within that appeal). Whilst I note that there is no legal obligation for Council's to engage in discussions during a live planning application - the ability to do so is still positively recognised as an option within the PPG (Paragraph: 061 Reference ID: 14-061-20140306, Revision date: 06 03 2014) albeit I reiterate my acknowledgement that this is at the discretion of the Council depending on the facts of the case.
8. In the case of minor amendments, notwithstanding the ability for the appellant to have potentially engaged in pre-application advice (which they did not), had the principle of development been acceptable I would suspect the Council may have more likely engaged with the appellant prior to determination for minor amendments. In this case, however, I find that due to the stances/opinions of the Council and the appellant respectively being clearly very different as to the acceptability of the proposal with particular regard to, for example, the shape of the barn as a result of the proposals, that such engagement during a live application would have been highly unlikely to have resulted in amendments that would have avoided a refusal and therefore negated the need to go to appeal.
9. I find that there was reasonable basis for the stance with regard to the application of the relevant policies which were utilised for the refusal reason. It can be seen from my decision that I agreed with the Council and that there were sufficient grounds to refuse the appeal as a result of my findings for the refusal reason. As a result, it reasonably follows that, despite the noted inaccurate assertion as to the height of the proposal, I cannot agree the Council has acted unreasonably overall in this case, nor has their behaviour resulted in unnecessary cost coming to appeal or that the actual refusal given by the Council was unreasonable.

Conclusion

10. I do not therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and a full award of costs is unjustified.

Eleni Marshall

INSPECTOR