



Costs Decision

Site visit made on 27 February 2025

by **C Shearing BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 May 2025

Costs application in relation to Appeal A Ref: APP/K0425/W/24/3349125

209-211 West Wycombe Road, High Wycombe, Buckinghamshire HP12 3AW

- 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 – West Area (Wycombe) for a full award of costs against I H Investmants Ltd.
 - The appeal was against the refusal of planning permission for development described as 'construction of 3x dwellings to the rear of the site with associated parking, landscaping and amenity space, and cycle and refuse storage, alongside amendments to the existing parking and landscaping for the apartment building to the front of the site'.
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Decision

1. The application for 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. The Council claim that the appellant has behaved unreasonably in the appeal process for a number of reasons which I shall address in turn.
3. A substantial number of new documents have been submitted with the appeal, as listed in the Council's costs application, and technical responses were submitted by the appellant up to the final comments stage. The Council did not have the opportunity to review those documents, or consult on them, as part of a planning application and instead the Council was required to respond to them as part of the appeal process. The Procedural Guide for appeals¹ makes clear that the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the Council and interested parties at the application stage. It is not apparent why the appellant did not re-engage with the Council, given the extent of additional information which was obtained after the Council's decision.
4. Nonetheless, many of those documents were intended to respond to the Council's reasons for refusal which in many cases related to a 'failure to demonstrate' and disputed technical matters including flooding and biodiversity net gain. Accordingly, I do not find the submission of those documents, and associated legal agreement, was unreasonable in these circumstances.

¹ Procedural Guide: Planning appeals- England, 16 April 2025

5. The proposal was amended with the appeal to include the Mill Race, and which in turn necessitated additional documentation relating to the treatment of the southern part of the site. Despite the spirit of the guidance advising away from amendments during the appeal, it sets out that there may be scope for such amendments to be accepted exceptionally. For the reasons set out in the appeal decision I do not consider the addition of the Mill Race amounted to a fundamental change to the proposal, and its inclusion did not give rise to procedural unfairness. As such, I do not consider that the Council's response was required to go significantly beyond what can be reasonably expected as part of its defence of an appeal. Neither did these matters amount to delays in the appeal process, and I do not consider the appellant's discussions with the relevant objecting consultees to have been unreasonable since those discussions sought to narrow areas of dispute.
6. Given the judgement involved in the main issues of the appeal and the nature of the supporting documentation, neither do I consider the appeal was necessarily one with no reasonable prospect of succeeding.
7. For the reasons given, I do not find that unreasonable behaviour, which resulted in unnecessary or wasted expense, has been demonstrated. The application for costs is refused.

C Shearing

INSPECTOR