
Costs Decision

Site visit made on 27 May 2025

by **L C Hughes BA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 June 2025

Costs application in relation to Appeal Ref: APP/K0425/W/24/3354530

Ivy Farm, Lower Icknield Way, Longwick, Buckinghamshire HP27 9RZ

- 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 for a full award of costs against Mr. Christopher and Jeremy Wise.
 - The appeal was against the refusal of the Council to grant planning permission for construction of 3 x 3-bed detached chalet bungalows and creation of associated access from Lower Icknield Way.
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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. An applicant is at risk of an award of costs being made against them if the ground of appeal had no reasonable prospect of succeeding, relating to the substance of the matter. This may occur when the development is clearly not in accordance with the development plan, and no other material considerations such as national policy are advanced that indicate the decision should have been made otherwise, or where other material considerations are advanced, there is inadequate supporting evidence.
4. The Council has applied for a substantive award of costs on the basis that the appeal had no reasonable prospect of succeeding. The Council contests that as a direct result of the applicants' unreasonable behaviour, the Council has incurred unnecessary costs in relation to defending the appeal.
5. The application was refused on the grounds that it would result in the loss of part of the strategic buffer between Longwick and the expansion area of Princes Risborough, that the development was of poor design, that the site is in an unsustainable location and that it had not been demonstrated that the development would not increase the risk of flooding from surface water. The third and fourth reasons for refusal were resolved during the appeal process.
6. The Council maintains that the Wycombe Local Development Plan (LP) and the Longwick-Cum-Ilmer Parish Neighbourhood Development Plan contain policies that are clear and unambiguous that residential development is not acceptable in the strategic buffer between Longwick Village and the expansion area for Princes

- Risborough. The appeal site is located in the strategic buffer. As such, the Council considers that the appeal had no reasonable prospect of succeeding.
7. However, the supporting text of LP Policy PR5 highlights that certain small scale development within the buffer may be acceptable so long as it is not detrimental to the character, role and function of the buffer area. Small scale development includes infill between existing buildings.
 8. There is no definition of infill in the Framework or the local plan policies. Rather, whether development would be classed as infill development is a question of fact and planning judgement having regard, for example, to the site context and the nature and size of the proposed development.
 9. Whilst, in my judgement, I did not agree with the applicants that the proposal constituted infill development, and it would harm the character, role and function of the buffer, I do not consider that it was unreasonable of the applicants to have a different viewpoint. The applicants put forward arguments as to why they considered that the proposal would be acceptable in this regard. As such, the applicants considered that the proposal accorded with LP Policy PR5 and had a reasonable prospect of success.
 10. In this regard the proposal differed from a previous appeal decision for a housing development within the strategic buffer that was dismissed¹ and for which an associated award of costs was made to the Council. That scheme was for a permission in principle, and due to the larger scale of the scheme and the number of dwellings proposed, along with the site-specific circumstances, there was less likelihood that it could have been argued to comply with LP Policy PR5. Consequently, I do not find the appeals to be directly comparable and do not consider that it should have led the applicants to presume that their appeal would have no reasonable prospect of success.
 11. The second reason for refusal related to the character and appearance of the rural area and the specific design elements of the proposed scheme. What constitutes good design in the context of a site is again, to some degree, a matter of judgement and the applicants put forward reasoned arguments to justify their view as to why the proposal would be acceptable in this regard.
 12. Whilst I have dismissed the appeal, I am confident that the applicants advanced arguments to justify their view that the proposal would be in accordance with the development plan, and that the appeal did not therefore, have no reasonable prospect of succeeding.
 13. With the above in mind, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. An award of costs is therefore not justified in this instance.

L C Hughes

INSPECTOR

¹ APP/K0425/W/22/3291161