



Costs Decision

Site visit made on 10 June 2025

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th July 2025

Costs application in relation to Appeal Ref: APP/K0425/W/24/3356793

Coppice, Frieth Road, Marlow SL7 2JQ

- 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 Mr Matthew Evans for a full award of costs against Buckinghamshire Council.
 - The appeal was against the refusal of planning permission for demolition of existing buildings and erection of replacement dwellinghouse, including landscaping and all other associated works.
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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. In summary, the applicant claims that the Council has acted unreasonably by failing to take account of the planning history on the site and therefore, failing to grant a further planning permission for a scheme that is the subject of an extant or recently expired permission, and by not determining similar cases in a consistent manner.
4. With regard to the use of the existing buildings and whether this constitutes previously developed land I concur with the findings of the Council, that, notwithstanding the use of other buildings within the appellant's ownership, these buildings are in agricultural use. I have not been provided with any lawful development certificates relating to the use of the buildings subject to this appeal. The existing buildings and land would, therefore, not comprise previously developed land.
5. However, in my judgement the previous permission on the site, for conversion and extension of the buildings to create a dwelling, is a valid fallback position that the appellant is likely to implement should the appeal fail. Although the appeal scheme is materially different, and therefore a material change in circumstances has occurred since the previous permission, that development remains extant.
6. The Council has taken a different view on this matter on the basis of the information submitted by the appellant, and that they had not yet applied to discharge any of the conditions on that previous consent.
7. Although I have reached a different conclusion on whether the fallback position is likely to be implemented, I have found that the Council had reasonable concerns about the implementation of the approved scheme, which justified its decision. The

applicant had to address those concerns and, consequently, the appeal could not have been avoided. I therefore have no substantive evidence that the Council has acted unreasonably in the appeal. As such, there can be no question that the applicant has incurred unnecessary or wasted expense.

Conclusion

8. For the above reasons, I find that unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has not been demonstrated, thus the award of costs is not justified.

K Townsend

INSPECTOR