



Costs Decision

Site visit made on 5 August 2025

by **N Bowden BA(Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 August 2025.

Costs application in relation to Appeal Ref: APP/K0425/W/25/3365094

20 Lucas Road, High Wycombe HP13 6QG

- 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 Millen Land Group for a full award of costs against Buckinghamshire Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for 1no Custom/Self build plot.
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Decision

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

Introduction

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.

Background and Summary of Issues

3. The applicant has submitted, in summary, that:
 - the Council incurred an unreasonable delay in decision making,
 - failed to engage with the appellant during the course of the application, and
 - changed its stance towards the proposal and that this led to the appeal.
4. The application form indicates that the proposal was submitted to the Council on 27 November 2024 albeit received on 29 November. The application was not registered as a valid submission until 6 January 2025 although it is not clear to me whether this five week delay was due to missing documentation, delays by the Council, crossing the Christmas period, a mixture of the three or other reasons. Regardless, the Council undertook a site visit shortly after validation and undertook public consultation.
5. The applicant was advised of the intention to recommend the application for refusal in addition to nominating concerns regarding the drafting of the Unilateral Undertaking (UU) on 27 February. An extension to the decision making period was subsequently agreed until 14 March. Further extensions of time were not agreed to by the appellant but nevertheless, information and documentation were provided to the Council. The Council did not respond to these until 30 April, just prior to the appeal being lodged.

Reasons

6. The Council did incur two notable periods of delay during the course of the application. This comprised the period between receipt and validation of the application and following the expiry of the extension of the decision making period. I am unable to fully establish the reasons for these periods of inactivity and no doubt this was frustrating for the applicant. Nevertheless, this inactivity has been notably offset by times when the Council was communicative and provided feedback to the applicant. Accordingly, whilst I recognise there were delays as the Council was considering the application, I do not find that these periods were unreasonable. Indeed, the applicant acknowledged this in correspondence with the Council.
7. The written feedback provided to the appellant was very clear and set out the concerns the Council had with the proposal. These were provided having completed the requisite consultation, including with the Council's Conservation Officer. The applicant responded to this by providing further late information including a UU, despite this being an important component of the proposal that should have been established early in the process¹. This is in addition to amended plans which had previously been sent to the Council.
8. I have been unable to identify a change in stance by the Council on the proposal. Indeed, it seems to me that the Council were quite accommodating towards late information being provided as the UU was referred to their legal team. This is despite them not being required to do so². It was apparent that the application was unacceptable to the Council, for reasons discussed in my decision letter, and due to absent information.
9. Despite delays, I find that the Council were communicative with the applicant. Moreover, the applicant continued to supply new information and documents at a late stage and that this approach could have been resolved through providing these details at the point of making the initial submission to the Council. Such approach is mandated throughout Chapter 4 of the National Planning Policy Framework.
10. Ultimately there was nothing to compel the applicant to make an appeal against the Council's failure to make a decision within the prescribed period. Indeed, the Council had previously invited the applicant to confirm their intentions. The Council were not always prompt in their dealings with the applicant, but, equally, the applicant's submission was not complete and this contributed to delays.

Conclusion

11. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

N Bowden

INSPECTOR

¹ PPG Paragraph: 013 Reference ID: 23b-013-20190315

² PPG Paragraph: 061 Reference ID: 14-061-20140306