



Costs Decisions

Site visit made on 12 August 2025

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH JP

an Inspector appointed by the Secretary of State

Decision date: 11 September 2025

Costs application in relation to Appeal A: Ref APP/J0405/C/25/3363302

Land at Plot 1, Slapton Lock, Horton Road, Slapton, Buckinghamshire

Costs application in relation to Appeal B: Ref APP/J0405/C/25/3363303

Land at Plot 2, Slapton Lock, Horton Road, Slapton, Buckinghamshire

Costs application in relation to Appeal C: Ref APP/J0405/C/25/3363305

Land at Plot 3, Slapton Lock, Horton Road, Slapton, Buckinghamshire

Costs application in relation to Appeal D: Ref APP/J0405/C/25/3363306

Land at Plot 4, Slapton Lock, Horton Road, Slapton, Buckinghamshire

- The applications are made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The applications are made by Mr Alan Dugard (Interguide Group Limited) for full awards of costs against Buckinghamshire Council.
- The appeals were against enforcement notices alleging without planning permission, the material change of use of agricultural land to residential use.

Decisions

1. The applications for costs are allowed in the terms set out below.

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.
3. For enforcement action, the PPG is clear that local planning authorities must carry out adequate prior investigation. They are at risk of an award of costs if it is concluded that an appeal could have been avoided by more diligent investigation that would have either avoided the need to serve the notice in the first place, or ensured that it was accurate¹.
4. I found in my Appeal Decisions, quashing the notices, that there was highly persuasive evidence that the alleged material changes of use of the land (Plots 1, 2, 3 and 4) had not in fact occurred. Much of that evidence had not been collected, or considered, by the Council in their investigation². It had not served a Planning Contravention Notice (PCN) which might have led to a better understanding as to the actual use of the land, and while the issue of a PCN is a discretionary power, the Council did not conduct a sufficient investigation as a whole to ensure that allegations within the notices were correct³.

¹ Paragraph: 048 Reference ID: 16-048-20140306 (PPG – Appeals)

² Evidence indicating non-residential use of the canal moorings and canal side plots of land.

³ Limited email correspondence with the appellant in November 2024 rather pre-assumed that a change of use to residential had occurred and enquired only as to whether permission had been obtained from the Canal and River Trust. As far as I can see, the Council did not ask how the land was in fact being used and did not make further queries of the appellant despite his own email ending 'Anything I can help with please contact me'.

5. Indeed, it is readily apparent from reading the Enforcement Notice Report that the Council did not have a clear grasp of the facts before issuing the notices:

"A residential mooring is official mooring provided by a marina or landowner, with the approval of the local authority, for continuous occupation of the boat whilst on the mooring. This is in contrast to a leisure mooring whereby occasional use of the boat is expected, with the owner's permanent address being elsewhere. There is no Local authority (LPA) permission on record for the Slapton Lock site to be used for residential mooring.

... Should the site not be immune, correspondence with the Trust, who would be the main consultee, indicates that residential mooring is acceptable at this site. The use for residential mooring is therefore not being enforced against."

From this, it seems that the allegations were predicated on an incorrect understanding that the boats were being used for continuous occupation and not (as is the case) 'leisure mooring whereby occasional use of the boat is expected, with the owner's permanent address being elsewhere'. The Council would not reasonably have come to this view had it collected the evidence which was before the appeals, and which may have been forthcoming had it not conducted such limited enquiries and refrained from using its range of investigative powers (such as the issue of a PCN). The Council's apparent assumption that the moorings were residential seems to have informed its opinion, as I think is implicit in the report⁴, that the use of the targeted land was residential - and with the notices issued on that basis.

6. Effective enforcement action relies on accurate information about an alleged breach of planning control⁵. It seems to me that, had the Council had a correct understanding of the facts through a more diligent prior investigation, incorrect notices would not have issued which necessitated appeals (with associated expense) leading to their quashing. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that full awards of costs are justified in respect of all appeals.

Costs Orders

7. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Buckinghamshire Council shall pay to Mr Alan Dugard (Interguide Group Limited), the costs of the appeal proceedings (Appeals A, B, C and D) described in the headings of these decisions; such costs to be assessed in the Senior Courts Costs Office if not agreed. The applicant is now invited to submit to Buckinghamshire Council, to whom a copy of these decisions has been sent, details of those costs with a view to reaching agreement as to the amount.

Andrew Walker

INSPECTOR

⁴ And notwithstanding that the Council (particularly in the final comments stage of the appeal process) appears to 'disconnect' the issue of the use of the plots from the use of the moorings – perhaps because of the evidence adduced by the appellant in the appeal that, in fact, the moorings were not residential.

⁵ Paragraph: 014 Reference ID: 17b-014-20140306 (PPG - Enforcement and post-permission matters)