
Costs Decision

Site visit made on 9 September 2025

by **A O'Neill BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 October 2025

Costs application in relation to Appeal Ref: APP/K0425/W/25/3368259

Upper Warren Farm, Hampden Road, Highenden Valley, Buckinghamshire HP16 0JL

- 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 Kent 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 the conversion of existing buildings to form a four bedroom dwelling with garage / parking and landscaping.
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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 claiming the costs of the appeal, the applicant submits that the Council has acted unreasonably in procedural terms. The application is based on the fact that the Council failed to determine the planning application in time, and that the Council failed to communicate with the applicant. Consequently, the applicant submits that this has resulted in unnecessary and wasted expense in preparing and submitting the appeal.
4. Paragraph 048 of the PPG states that a local planning authority should give the applicant a proper explanation if it will fail to determine an application within the time limits and that they should also explain their reasons in any appeal against non-determination. The evidence submitted indicates that the Council's delay in determining the application was primarily due to a backlog of work. A further delay was caused following the publication of the revised National Planning Policy Framework (the Framework). During the appeal process the Council also stated that an internal reorganisation and IT system change resulted in a delay, however this point is not further substantiated.
5. I accept that a delay to consider the implications of the revised Framework may have been necessary. However, based on the information before me, I find that the delays in determining the application before and after this time, were not properly explained to the applicant. I therefore find the Council acted unreasonably on procedural grounds.
6. However, Paragraph 048 also advises that, in any appeal against non-determination, the local planning authority should explain why permission would not have been granted had the application been determined within the relevant period. During the

appeal process, the Council confirmed that had they determined the application, it would have been refused. The Council provided putative reasons for refusal and substantiated those reasons in their appeal submission. An appeal would therefore not have been avoided had the Council determined the application.

7. Consequently, whilst I find that the Council acted unreasonably on procedural grounds, this has not resulted in unnecessary or wasted expense in the appeal process. Therefore, the application for an award of costs is refused.

A O'Neill

INSPECTOR