



Costs Decision

Site visit made on 10 November 2025

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2025

Costs application in relation to Appeal Ref: APP/K0425/W/25/3368408

69 Marlow Road, High Wycombe Buckinghamshire HP11 1TQ

- 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 Ms Yasmin Akhtar for a full award of costs against Buckinghamshire Council.
 - The appeal was against the refusal of planning permission for construction of 1 x 6-bed detached dwelling, creation of 3 x parking spaces and associated works following demolition of existing dwelling (alternative scheme to pp 22/06895/FUL) (part retrospective).
-

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. The applicant states that the Council failed to consider evidence submitted during the planning application, failed to take into account a development at 65 Marlow Road and failed to engage constructively during the application process. It is stated that this resulted in the refusal of the planning application and costs incurred defending the appeal.
3. The application was received on 06.01.2025 and determined on 03.03.2025. The applicant has provided a copy of an email to the Council dated 24.02.2025 confirming that a Daylight and Sunlight Assessment (DSA) (dated February 2025) had been prepared and that 'Will' had forwarded this to the case officer. This email does not include the DSA as an attachment and a copy of the email from Will forwarding it to the case officer has not been provided. A copy of a separate email from the applicant to Billy Johal, senior compliance and enforcement officer at the Council, dated 25.02.2025 is provided referring to the DSA and the lack of response from the case officer. I have not been provided with any copies of correspondence to the Council which included the DSA as an attachment.
4. On the basis of the evidence before me it appears that the applicant was in receipt of the DSA during the course of the planning application. However, whilst acknowledging that there are emails referencing it, I have been presented with no evidence that the case officer was in receipt of the DSA or that she refused to accept it. Given this there is no evidence that the Council failed to take into account evidence submitted during the planning application. Additionally, it appears that the costs in commissioning the DSA were incurred during the course of the planning

application and were not therefore incurred during the appeal in response to the Council's decision to refuse the planning application.

5. The applicant states that the Council failed to engage constructively during the planning application. Whilst I have no evidence that the aforementioned email of 24.02.25 was responded to, there is no evidence before me of sustained attempts to contact the case officer during the application or following its determination. The determination of the proposal on the basis of the submitted plans without seeking amendments does not in itself amount to unreasonable behaviour. As the development is retrospective it is unclear what conditions could have been recommended to address the Council's concerns regarding the development's effect on the living conditions of the occupiers of neighbouring properties.
6. My attention has been drawn to an application at 65 Marlow Road¹ which was approved by the Council. It is stated that in determining this application the Council failed to take into consideration 2 letters of objection from neighbouring residents. I have been provided with a copy of the officer report and plans for the application at No 65 and the 2 letters of objection. The letters of objection are not referenced in the officer report. Whilst this is unfortunate, the amenity of existing residents is considered in the report and there is no indication that the case officer would have reached a different conclusion in relation to the scheme's impacts on the occupiers of the neighbouring properties if these letters had been taken into account.
7. The applicant also states that, as the appeal proposal is smaller than the development at 65 Marlow Road, the decision represents inconsistent planning judgment by the Council. Based on the evidence before me, the appeal proposal differs from the application at No 65, which did not include a 2-storey projection beyond the rear elevation of the neighbouring dwellings. Therefore the 2 proposals do not appear to be directly comparable. Thus, in reaching the view that the appeal proposal would result in a loss of light to the 2 neighbouring properties, a view which was reached having reference to the submitted 45° and 60° plans, there is no evidence before me of inconsistency in the determination of applications or the application of development plan policies by the Council.
8. I find that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated.

N Robinson

INSPECTOR

¹ 21/07827/FUL