



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: 21st November 2025

Costs application in relation to Appeal Ref: APP/K0425/W/25/3372654

The Happy Union, 265 Boundary Road, Loudwater, Buckinghamshire HP10 9QN

- 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 Veinard Investments for a full award of costs against Buckinghamshire Council.
 - The appeal was against the refusal of planning permission for change of use of existing public house with internal and external alterations, including conversion of roof space to form a 16-bed house in multiple occupation (HMO) (Sui Generis)
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Decision

1. The application for a full award of costs is allowed in the terms set out below.

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. In this instance the applicant states that the Council has failed to substantiate its case and did not take into account the benefits of the proposal and thereby failed to undertake a planning balance as required by the National Planning Policy Framework (the Framework). It is stated that this resulted in the refusal of the planning application and costs incurred defending the appeal.
3. The planning application was referred to planning committee with a recommendation of approval. Members reached a different conclusion on the proposal which they are entitled to do and refused the application on 2 grounds relating to harm arising from a shortfall in car parking and the standard of accommodation proposed. The consultation comments from the Council's highways officer set out that, whilst there would be a shortfall in car parking, this shortfall would be less than the current shortfall at the public house and thus there would be a net reduction in the amount of car parking displaced to the surrounding highway network. The Council's submission fails to substantiate how the shortfall in car parking would result in nuisance and inconvenience to other highway users given the acknowledged net reduction in the amount of displaced parking generated by the proposal.
4. The Council's submission fails to substantiate the alleged harm arising from the room sizes referred to in the second reason for refusal, or indeed reference this in its submission. Whilst it is stated that committee members felt that the lack of any form of outdoor amenity space would not create an attractive place to live, in the acknowledged absence of a policy requirement for the provision of external amenity

space for HMOs, the Council's justification for refusing the application on these grounds lacks detailed analysis of the proposal's development plan conflicts.

5. The Framework sets out that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means (as is the case in the accompanying appeal where the Council is unable to demonstrate a deliverable housing land supply) that the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
6. The Council's submission states that members were made aware of the need to engage paragraph 11d of the Framework but resolved that the harm outweighed the provision of the new housing proposed. However, there is no reference to the consideration of the benefits of the proposal or the application of a planning balance in the published committee meeting minutes. It therefore appears that, in determining the application, the Council did not afford due weight to the benefits of the proposal, and thus, the balancing exercise required by the Framework was not undertaken. The Framework's test set down in paragraph 11d is for any adverse impacts of granting permission to "significantly and demonstrably" outweigh the proposal's benefits when assessed against the policies of the Framework taken as a whole. In failing to consider the planning benefits of the proposal in any detail, the Council's assessment failed to demonstrate this.
7. The Council behaved unreasonably as it failed to provide clear evidence to substantiate its reasons for refusal, and, in failing to adequately carry out the planning balance, the Council failed to give due weight to all material planning considerations.
8. I therefore find that unreasonable behaviour by the Council resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated.

Costs Order

9. 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 Veinard Investment the costs of the appeal proceedings described in the heading of this decision, such costs to be assessed in the Senior Courts Costs Office if not agreed.
10. The applicant is now invited to submit to Buckinghamshire Council to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

N Robinson

INSPECTOR