



Costs Decision

Hearing held on 18 and 19 November 2025

Site visit made on 19 November 2025

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2025

Costs application in relation to Appeal Ref: APP/K0425/W/24/3345099 Woodland, Fieldhead Gardens, Bourne End, Buckinghamshire SL8 5RN

- 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 Buckinghamshire Council for a full award of costs against Marcus Solomon Management Ltd.
 - The appeal was against the refusal of planning permission for 3 no. detached dormer bungalows and ancillary works.
 - This decision supersedes that issued on 12 February 2025. That decision on the application was quashed by order of the High Court.
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Decision

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

The submissions for Buckinghamshire Council

2. An application for costs was first made in writing and a written response was given. After the 12 February 2025 Decision was quashed, the application was updated, in writing, before the Hearing. No additional oral submissions were made.

The response by Marcus Solomon Management Ltd

3. The response was made orally at the hearing. The following points were made:
4. The Council's case is broadly the same as it was before the earlier decision was quashed. If there was merit in that case, there would be no need to quash the decision as the same conclusion would be bound to be reached now. Given the appellant's appeal case, it cannot be said that the appeal had no reasonable prospect of success.
5. The Council's case is based around the planning balance and weight to be given to policy and material considerations. This is not the same as there being no reasonable prospect of success. They have suggested that, in effect, previous decisions were binding and the same view was bound to be reached.
6. The Council cannot now rely upon the quashed decision on this case. The current application is materially different to that considered in 2022. The Council's case is without merit.

Reasons

7. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance 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.

8. There has been a history of dismissed appeals at this site. Reasons have been relatively consistent, and conflicts with the development plan have been identified. That has not changed, and I have reached similar conclusions in respect of conflict with the development plan. It has also been previously found that, if the housing land supply position were below 5 years, the adverse impacts would significantly and demonstrably outweigh the benefits.
9. When considering the application, the Council believed it could demonstrate a 5 year supply of deliverable housing land. That position has also been consistent through recent appeals, and has not been fully tested. Nevertheless, it has also been the appellant's case the position has been worsening and that, before the appeal was determined, changes to the methodology would result in a very different picture. The Council accepted that latter point in its appeal statement.
10. Indeed, by the time the appeal was first considered, there was an agreed, significant shortfall in the housing land supply. This is a material change in circumstance from earlier decisions and it could no longer be clear that there was no prospect of the appeal succeeding, if there ever was.
11. While, in the quashed Decision of 12 February 2025, costs would have been awarded, that was based upon the assumption that there had been little change in the planning merits from previous decisions. However, as the associated Appeal Decision upon which such a conclusion would be founded was also quashed for reasons associated with the planning balancing exercise, little weight can be attributed to that conclusion.
12. Given the clear change in circumstances, as evident from my own Appeal Decision, the appeal did have a reasonable prospect of success. Therefore, unreasonable behaviour resulting in wasted expense in the appeal process has not been demonstrated.
13. The application for an award of costs is refused.

M Bale

INSPECTOR