
Costs Decision

Site visit made on 18 November 2025

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 December 2025

Costs application in relation to Appeal Ref: APP/J0405/W/25/3371975 Blossoms Cobblers Hill, Wendover, Buckinghamshire HP16 9PW

- 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 Tom Pass for a full award of costs against Buckinghamshire Council.
 - The appeal was against the refusal of planning permission for demolition of existing dwelling and outbuildings, erection of replacement self/custom build dwelling and outbuildings, erection of gated access and associated works.
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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. The applicant contends that the Council has: provided and relied on information that is inaccurate and misleading; altered and retracted key aspects of its case; acted contrary to well-established case law; dismissed the potential to address concerns through the imposition of appropriate planning conditions; and delayed and obstructed development.
4. By virtue of the nature and appearance of the images included on pages 10 to 14 of the Council's written statement it is clearly evident that they were not purposely produced to deceive and distract away from the plans submitted with the appeal. Whilst I appreciate that their inclusion, in particular Figure 3, would have caused some concern to the applicant, I see little evidence that they were presented to try to confuse or mislead the determination of the appeal.
5. Within the Council's officer report and written statement, it expresses that the proposal would conserve and enhance the Chilterns National Landscape. The Council exercised a planning judgement regarding the weight it afforded to this matter, which did not weigh against the proposal.
6. In terms of considering Biodiversity Net Gain, the Council accepted the proposal as a self/custom build dwelling. From the submissions before me and in concluding not to give any weight to self/custom build factor in the planning balance, the Council took account of the information before it as well as that the proposal constituted a replacement dwelling and would not deliver a net gain to the overall

housing supply. Whilst I have given some weight to this factor in favour of the proposal the Council have reasoned why they afforded it the weight it did.

7. The weight to be attributed to a fallback position is a matter for the decision-maker. It is evident from the Council's submissions that it undertook a detailed appraisal of the developments covered by the Certificate of Lawfulness and extant planning permission at the appeal site, the planning history of the site as well as the contents of the application submission justifying a replacement dwelling. This included the Design and Access Statement referencing the scale and expense of necessary repairs and that the current layout no longer meets the applicants' needs. Although, I did not share its conclusions, I am satisfied that the Council made reasoned conclusions based on a clear analysis, including having regard to relevant case law. The Council also undertook an appraisal of the proposed development if the fallback position was to be implemented.
8. The Council has provided a condition, on a without prejudice basis, as part of the appeal process relating to the demolition of any buildings on site, though it has rationalised concerns regarding such an approach. As per my appeal decision, such a condition addressing this planning ground would not have enabled the proposed development to go ahead. Consequently, the Council's decision has not prevented or delayed development that should clearly be permitted having regard to its accordance with the development plan, national policy and any other material considerations.

Conclusion

9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

P Barton

INSPECTOR