

Costs Decision

Site visit made on 2 December 2025

by Paul Freer BA (Hons) LLM PhD MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 12 January 2026

Costs application in relation to Appeal Refs: APP/X0415/W/24/3356484 & APP/X0415/C/24/3356478

Land to the West of Field Cottage, Buslins Lane, Chartridge, Buckinghamshire

- The application is made under the Town and Country Planning Act 1990, sections 174, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Ms Anne Button for a full award of costs against Buckinghamshire Council.
 - The application for costs is in connection with appeals against the refusal of an application to vary condition 11 of planning permission PL/22/3758/FA and an Enforcement Notice alleging, without planning permission, the creation of a hard surface area and a hard surface access way.
-

Decision: the application is refused

The case for the applicant

1. The essence of the applicant's case is that Council's Planning Committee acted unreasonably and against the clear advice of the planning/legal officers present at the meeting, especially in relation to including reference to a reduced size manege when compared to the size of the manege approved in the extant planning permission. The applicant considers that the Planning Committee overturned a recommendation that had been made in a precise and professional manner having examined the proposed variations against the relevant policies. In doing so, it is the applicant's view that the Planning Committee seemed to be ignoring the fact that the original planning permission had been implemented and were trying to bring in non-planning reasons to enable them to refuse the application.
2. Furthermore, the applicant contends that the application only ended up at the Planning Committee following requests from local residents to Councillors to call the application to committee only if the application were being recommended for approval. The applicant notes that on more than one occasion a Council Officer (the Team Leader) made it clear that the application was correct to have been assessed as a section 73 application and that the Committee repeatedly ignored the advice of the Team Leader.
3. In addition to this, the Council has subsequently issued an enforcement notice following the commencement of works on planning permission PL/22/3758/FA. This was despite the advice given by the Team Leader that it would be premature to issue an Enforcement Notice. The applicant was obliged to lodge an appeal against that Enforcement Notice and this resulted in the applicant incurring further costs.

4. The time spent preparing an unnecessary planning and enforcement appeals resulting in professional fees being incurred where they could have been avoided.

The response of the Local Planning Authority

5. In response to the applicant's claim, the Council consider that the Planning Committee acted within its discretion and in accordance with relevant policies when assessing the application. The decision was reached following careful consideration of the site's context, previous permissions and the specific details presented. While the committee's conclusion may have differed from the recommendation provided by officers, the Council considers that this does not constitute unreasonable behaviour. The Council maintains that the Planning Committee is entitled to weigh material planning considerations independently and make determinations based on its judgment.
6. The Council acknowledges that local requests resulted in the application being called to the Planning Committee. The Council explains that this process is an established part of democratic decision-making in planning matters. The Council considers that the opportunity for elected representatives to engage with local concerns is a fundamental principle of the system, ensuring transparency and community involvement. The Council maintains that this does not equate to procedural unfairness or unreasonable conduct.
7. With respect to the enforcement notice issued following the commencement of works on planning permission PL/22/3758/FA, the Council considers that this action was taken in line with regulatory requirements. Any subsequent appeal arising from the enforcement notice stems from compliance measures necessary to uphold planning control, not from improper conduct by the committee.
8. Given the above, the Council considers that the applicant's claim for costs is unfounded. The Council considers that the Planning Committee acted reasonably, considering all relevant planning policies and factors before reaching its decision. There has been no unnecessary or improper behaviour leading to an avoidable appeal, and as such, an award of costs is not justified.

Reasons

9. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only 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 PPG indicates that one of the aims of the costs regime is to encourage all those involved in the appeal process to behave in a reasonable way and to follow good practice. The PPG provides examples of unreasonable behaviour which may result in an award of costs against a local planning authority. These examples include relying on vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
10. It is a fundamental principle of the planning system that the elected members of a Council are not obliged to accept the advice and/or recommendations of officers. That is not to say that elected members are entitled to refuse planning permission without good reason: the PPG is very clear on that point.

11. The section 73 application was refused because the Planning Committee reached the view that the proposed development would result in unacceptable incremental harm to the natural beauty of the Chilterns National Landscape. The Council's Formal Decision Notice cited relevant policies in the development plan with which the development was found to be in conflict, as well as the National Planning Policy Framework. The latter states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes, with the (at the time) relevant paragraph also cited in the Council's Formal Decision.
12. Because the appeal was dismissed on procedural grounds, I did not reach any conclusion as to whether the development conserved and enhanced the landscape and scenic beauty of the Chilterns National Landscape. Nonetheless, it seems to me that this a subjective judgement that the Planning Committee was perfectly entitled to reach.
13. I recognise that the representations made by local residents influenced the decision to refer the application to the Planning Committee for determination. I see nothing wrong in that: indeed, that is part of the democratic process. Furthermore, on the evidence before me, I am satisfied that the decision to refer the application to the Planning Committee for determination was entirely in accordance with the Council's scheme of delegation.
14. As it turned out, the issuing of the Enforcement Notice was probably premature. It may have been preferable to withhold taking any enforcement action until such time as the outcome of the appeal against the refusal of the section 73 application was known.
15. However, the Council could not have known at the time that an appeal would be lodged against the refusal of that application. Moreover, Part VII of the Town and Country Planning Act 1990 confers *discretionary* powers on local planning authorities to take enforcement action where it is considered expedient to do so (emphasis added). The Council cannot be said to have acted unreasonably in exercising those discretionary powers in what it considered to be a timely manner in the interests of safeguarding the landscape and scenic beauty of the Chiltern National Landscapes.
16. I conclude that the Council has not acted unreasonably in any aspect of the appeal process. The PPG makes it clear that costs may only be awarded where one party has acted unreasonably and that this unreasonable behaviour resulted in the other party incurring unnecessary and wasted expense. In this case, neither requirement for the award of costs set out in the PPG was met. Accordingly, an award of costs is not justified.

Paul Freer
INSPECTOR