



Costs Decision

Site visit made on 20 January 2026 by E Street BSc (Hons) MSc

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2026

Costs application in relation to Appeal Ref: APP/K0425/W/25/3374665

Saddleback Farm, Lower Icknield Way, Longwick, Buckinghamshire HP27 9RL

- 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 J Colinswood for a full award of costs against Buckinghamshire Council - West Area (Wycombe).
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for erection of a remembrance chapel, with associated pathway and parking area in connection with the children's memorial garden and foodbank.
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Decision

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

Procedure

2. A representative of the Inspector has set out the recommendation below, to which the Inspector has had regard before deciding the application.

Reasons and Recommendation

3. Parties in planning appeals normally meet their own expenses. Planning Practice Guidance (PPG) sets out that, irrespective of the outcome of the appeal, 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 PPG also advises that unreasonable behaviour in the context of an application for an award of costs may be either procedural or substantive. The applicant has explained that their submission refers to both.

Procedural Claim

4. The applicant lodged the appeal for non-determination following the lapse in the determination date of the planning application. The evidence suggests that there has been minimal communication between the applicant and the Council prior to the request for an extension of time following the passing of the determination date. It is key to note that the applicant had been in communication with the Council prior to the submission of this application with two pre-application responses. The approach of previous feedback on the scheme has advised their unlikely support and the lack of communication is not a demonstration, in of itself, of unreasonable behaviour. The Council clearly has not communicated well; however, this is an internal issue and is for the applicant to complain via other channels to deal with rather than suitable grounds for an appeal costs claim.

5. The email requesting the extension of time, whilst is clear on the reasons as to why progress was delayed, was unclear on the reasons for refusal. Whilst the first reason for refusal surrounding character and appearance along with the countryside location of the proposal was alluded to, there was no mention of the concerns surrounding the Biodiversity Net Gain refusal reason. However, it is not a statutory duty to inform the applicant prior to determination on what a given scheme may be refused planning permission. Therefore, with any non-determination appeal, it is likely that the applicant would not know what the reasons for refusal might have been, should the Council have been minded to do so. The Council's statement of case would naturally be the first opportunity to give an indication as to the Council's stance.
6. The Council's actions have been slow at times, and their communication could have been clearer and more proactive. Even if this were taken to be unreasonable on their part, the applicant has exercised their right to make the non-determination appeal and all the time and cost that is borne thereby. This could have been avoided should they have waited for the Council to make a decision on the application, notwithstanding the length of time this may have taken. Moreover, they already had some indication that should the Council have made a decision, it would have more likely been a refusal and they would have been at appeal regardless.

Substantive Claim

7. There is an allegation that the Council misapplied their policy with particular regard to DM44 and DM35 for refusal reason 1. The Council has referred to the previous permissions and the recent appeal granting the use of the land. However, the previous appeal was clear that it was allowed on the basis of no built form at the time. I do not agree that the Council has misinterpreted their policies since there is no hard and fast definition of what a rural enterprise may consist of. Therefore, the reasoning provided by the Council even with the recent history was substantive. The matter of the design is subjective following the interpretation of the policies, in this instance, the Council effectively established the matter of the chapel within the primarily rural context and where it would sit uncomfortably in their view.
8. In respect to refusal reason 2, the recommendation/decision is made by the planning officer and whilst there may have not been an objection from the ecology officer, an opinion may vary providing that the reason therefore is justified. Their approach to Biodiversity Net Gain is precautionary, however they have not requested the legal agreement and then refused the application. There is no evidence to suggest that the applicant has incurred any additional costs to support their case in terms of biodiversity.
9. The interpretation of the policies is different, but they are not unjustified. Moreover, this is par for course, given that the scheme is at appeal due to parties disagreeing with the substantive parts thereof. Whilst this might have caused some frustration and delay, it has not led to unnecessary and wasted expense. The Council has not therefore acted unreasonably and thus the appeal could not have been avoided as should the Council have made a decision within the relevant time frame; their position would have remained the same and the appellant would have had to appeal.

Conclusion

10. Overall, in terms of the procedural and substantive claim, I have not been provided with the evidence that the Council's conduct, if it were unreasonable, has resulted in undue costs to the applicant. With this and the above in mind, an award of costs is not justified.

E Street

APPEAL PLANNING OFFICER

Inspectors Decision

11. I have considered all the submitted evidence and my representative's report and concur that a full award of costs is not justified in this case. The application for such is therefore refused.

John Morrison

INSPECTOR