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## Costs Decision

Site visit made on 09 February 2026

by **N Robinson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 March 2026

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### **Costs application in relation to Appeal Ref: APP/X0415/C/24/3341531 Lodge Farm, Lodge Lane, Little Chalfont, Buckinghamshire HP8 4AH**

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr Stephen Murphy for a full award of costs against Buckinghamshire Council - East Area (Chiltern).
  - The appeal was against an enforcement notice alleging without planning permission, the erection of a fence.
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### **Decision**

1. The application for an 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.
3. The applicant states that the Council disregarded attempts to remedy the alleged breach of planning control subject of the accompanying appeal before issuing the enforcement notice (the Notice). The applicant also states that the Notice is ambiguous resulting in a lack of clarity regarding the requirements of the Notice. It is stated that this resulted in costs incurred defending the appeal.
4. Prior to the service of the Notice, the applicant appears to have caused significant delay in seeking to register a retrospective planning application. Having, ultimately, returned the application as invalid, it was not then unreasonable for the Council to have served an enforcement notice. However, for the reasons set out in my Appeal Decision, I have found that the Notice is invalid and incapable of correction without causing injustice to the appellant. The imprecision in the drafting of the Notice therefore resulted in it being quashed without the issues on appeal being determined.
5. The applicant's case in relation to the accompanying ground (a) appeal (which is that planning permission ought to be granted in respect of the breach of planning control alleged in the Notice) has assumed that the Notice attacks the whole of the fence (including the solid timber fence), not solely the timber posts, mesh netting and artificial plants which the Council has subsequently confirmed to be a more accurate description of the alleged breach. Based on the wording in the Notice, that is a reasonable position to have taken. Submitting and defending an appeal relating to the whole of the fence has resulted in the applicant incurring unnecessary and

wasted expense in the appeal process. This is a direct result of the imprecise drafting of the Notice.

6. For the reasons given above, in relation to the imprecision in the Notice, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs is therefore warranted.

### **Costs Order**

7. 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 - East Area (Chiltern) shall pay to Mr Stephen Murphy the costs of the appeal proceedings described in the heading of this decision, such costs to be assessed in the Senior Courts Office if not agreed.
8. The applicant is now invited to submit to the Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching an agreement as to the amount.

*N Robinson*

INSPECTOR