
Costs Decision

Hearing held on 27-28 January 2026

Site visit made on 28 January 2026

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2026

Costs application in relation to Appeal Ref: APP/J0405/W/25/3372795

Land to the rear of Orchard Cottage, Main Street, Grendon Underwood HP18 0SJ

- 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 Darren Jones of Hannaford Project Management Ltd for a full award of costs against Buckinghamshire Council.
 - The appeal was against the refusal of planning permission for demolition of an existing dwelling, creation of new access onto Main Street and the erection of 7 dwellings with parking and associated works.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

The submissions for Hannaford Project Management Ltd

2. The initial costs application was submitted in writing prior to the Hearing. Following the Hearing, the application was amended with that and responses being in writing after the event.

Reasons

3. 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.
4. The applicant was made aware of the Council's position regarding contributions, concerns and other information that would be required in the pre-application advice. Such advice is not binding and does not prevent further or different conclusions being reached during an application. Nevertheless, the applicant would have been aware of likely requirements and requests that would arise which included some elements that required a planning obligation.
5. While there was and still is disagreement over charging for the Council advice and monitoring of any obligations, advice has been given by the Council on the planning obligations and they have also referred to a standard template wording. Whether monitoring costs are justified is a matter of judgement and disagreement does not imply unreasonable behaviour.
6. The Council considered a planning obligation was needed to deal with the off-site biodiversity mitigation. While the applicant provided one during the application, the Council were still not satisfied with the wording and other elements of the

obligation. I have found that the final obligation provided is acceptable. However, this was subject to changes, including those discussed before, at the Hearing and in the written correspondence following it. Therefore, it was not unreasonable to maintain some concerns up to that point. Earlier discussions may have altered when the obligation was provided but this work would have been required in any event. Moreover, an obligation was required for the financial contribution towards green space, sports and recreation facilities.

7. Had the Council provided their advice earlier or pursued an agreement prior to the determination of the application, this would not alter the fact that parties still disagree over some of the wording and the enforceability of the latest obligation. As such, even if the Council behaviour were unreasonable, early advice would not have altered the current position and only changed the timing of the advice and work required. Their conduct has not led to the applicant incurring any additional costs.
8. With regards to viability, there has been some dialogue between the parties. This includes prior to the refusal of the application. Although this was by email, BPS and the Council sought further information and provided written comments outlining their position. It is for the Council to determine whether to follow the advice of BPS, which they chose to do.
9. There was also some engagement following the submission of the appeal. Again, while the parties disagree over the process, communication and how worthwhile the dialogue and meeting were, there have been discussions. The Council were questioned during the appeal on their change of position and provided an explanation which included seeking to reduce differences to focus discussions on key areas of dispute. This was not unreasonable and areas of disagreement remained, meaning that the applicant would have still needed to address this matter at the Hearing.
10. The level of contribution initially sought was incorrect. However, this figure and the Council's method of calculation was provided with their statement and was available for the applicant to question had they wished to.
11. Once more, even if the timing of the changes were considered unreasonable as they could have been made earlier, an explanation has been provided and have not led to additional costs being incurred.
12. The Council provided opportunity for the applicant to submit further/amended information during the application process, which they did. There is no obligation for a Council to do so or for there to be multiple requests and opportunities to do this.
13. That the Council's approach to calculating viability was different to that of the appellant, is not in itself unreasonable. A planning judgement is required on viability of the scheme. Although I found the case presented by the applicant to be more convincing in this instance, the Council have explained their approach with regards to viability. They gave reasons for their approach, including how they reached their figure for the multiplier and related it to national guidance.
14. Viability information was initially partly redacted during the Council's appeal submissions, although some of this was the appellant's own evidence and they would have therefore been aware of its contents. The redaction of the Council's evidence would have prevented the appellant being able to view parts of the case

they needed to address. Nonetheless, while this would have delayed and reduced the time available for the applicant to consider the evidence and prepare their case, it has not been demonstrated that this has led to additional costs.

15. More of the site would have been developed in the previous application at the site than the appeal proposal. The previous application was not refused due to the loss of best or most versatile agricultural land. But the loss of the agricultural land was an issue identified in the earlier officer report, although they considered that the harm was outweighed by the benefits of the scheme. The matter of weight is for the decision maker. There was a previous development plan in place, though I do not have details of any differences in the policy at that time. Regardless, weight was given both times and that it was included as a reason for refusal the second time does not indicate the Council have been inconsistent from the evidence before me.
16. At the Hearing there were discussions over whether conditions could overcome some of the issues and refusal reasons. The Council did not accept that conditions were suitable to overcome all of the issues, such as accessible housing. While I have reached a different finding, the case put forward on those matters was not unreasonable. Changes to the site layout for pedestrian routes were only made at appeal stage. Therefore, the Council were not unreasonable in including that refusal reason and when plans were amended, they confirmed that they were no longer pursuing this issue.
17. The Council had commented and maintained their objections in their appeal statement on the most recent drainage assessment and flooding in general. At the Hearing, by the end of the discussions, the Council commented that while it was preferable to have additional information prior to any permission, they considered that conditions would address their points.
18. Similarly, the Council had maintained their concerns over a lack of parking in their appeal statement despite indicating that there was sufficient space to accommodate an altered scheme after the amended plans that came in with the appeal. Their concerns related to knock on effects on drainage and biodiversity. However, these were to be subject to other conditions and controls. They confirmed at the Hearing that a revised parking scheme secured by condition would address this issue.
19. There were no substantially different comments made by the appellant at the Hearing on these matters to explain the change in stance by the Council. Maintaining their objection was unreasonable after the evidence submitted with the appeal in relation to flooding and highway safety. This led to additional costs being incurred by the appellant in needing to prepare for these matters prior to the Hearing and the participants involved at the Hearing event itself.
20. The Council confirmed that they would have still refused the application even if they had considered all the benefits of the scheme in the Framework's paragraph 11d)ii assessment. Notwithstanding this, the heritage balance that feeds into paragraph 11d)i of the Framework is a separate consideration and test, to that of 11d)ii. The way that the Council approached the paragraph 11d)ii balance has not been supported by any reasonable argument or evidence. The Council maintained this position and approach throughout the appeal and the Hearing itself. The appellant has had to address and respond to this unreasonable approach by the Council from the outset of the appeal. This would have led to unnecessary costs.

21. Due to the many subjective matters raised and that the case put forward was reasonable in places, the Council did not prevent or delay development which should clearly be permitted. As such, despite the areas of unreasonable behaviour an appeal would still have been required, and full costs are not justified.
22. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred in respect of addressing the Framework's paragraph 11d)ii balance and addressing the issues relating to parking and flood risk following the Council's appeal statement and a partial award of costs is therefore warranted.

Costs Order

23. 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 shall pay to Hannaford Project Management Ltd, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in addressing the paragraph 11d)ii balance and addressing the issues of parking and flood risk as raised by the Council following the Council's appeal statement; such costs to be assessed in the Senior Courts Costs Office if not agreed.
24. The applicant is now invited to submit to Buckinghamshire Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Stuart Willis

INSPECTOR