



Costs Decision

Inquiry held on 24 February 2026

Site visit made on 25 February 2026

by **P Hanna PGDip MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 March 2026

Costs application in relation to Appeal Ref: APP/N0410/W/25/3374132 Land Adjacent to Amersham Road and Minerva Way (Beeches Park), Beaconsfield, Buckinghamshire

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Catesby Strategic Land and The Portman Estate for a full award of costs against Buckinghamshire Council.
 - The inquiry was in connection with an appeal against the refusal of outline planning permission for the erection of residential dwellings (Use Class C3), elderly/extra care and/or later living accommodation (Use Class C2 and C3) mobility hubs and a community building (Use Class F2), including public open space, means of vehicular access into the site (not internal roads) and associated infrastructure, with all other matters (relating to appearance, landscaping, scale and layout) reserved.
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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. The applicant has applied for a full award of costs on the grounds that the Council demonstrated unreasonable behaviour in refusing an application which should clearly have been granted planning permission with reference to paragraph 049 of the PPG.
3. The aim of the costs regime includes encouraging local planning authorities to properly exercise their development management responsibilities and to rely only on reasons which stand up to scrutiny on the planning merits of the case.
4. The application for planning permission was originally recommended for approval by officers, taking into account revisions made in response to an earlier scheme dismissed at appeal.¹ In August 2025, the Council then refused permission for five reasons relating to Green Belt, landscape and visual effects, agricultural land, flooding, and infrastructure and services requirements. The appeal was started in October 2025 and, in December 2025, the Council withdrew its first four reasons for refusal and advised that the fifth could be agreed following negotiations, such that the Council considered planning permission should now be granted.

¹ Appeal decision APP/N0410/W/22/3299849 dated December 2022.

First reason for refusal – Green Belt

5. The revised National Planning Policy Framework (the Framework) introducing the utilisation of grey belt land, and the updated PPG on the application of the grey belt policy, were published in December 2024 and February 2025. The policy framework had therefore been in place for some six months at the time of the officer report and committee decision, and the officer report applies that policy framework using planning judgement. Elected members were also entitled to use their own judgement in reaching a different conclusion on this matter, so long as the reasoning for refusal could be substantiated.
6. In reaching its decision, the Council indicates that the officer report before them dealt with the matter only in short form in two key respects, in terms of the Green Belt purpose of checking unrestricted sprawl of large built up areas.
7. Firstly, the report states that the eastern relief road “*could*” contain development not ‘*would*’. Although the use of subjunctives is not uncommon in the assessment of planning proposals, I accept that the use of this term could also potentially be interpreted as indicating a degree of dubiety. Secondly, and related to the first point, is the asserted incongruity of the pattern of development in terms of Amersham Road providing a clearly defined and rational edge to the settlement. This is a matter where there is a level of subjectivity, and the Council is not unreasonable to have found that the site could contribute to being a finger of development when taken with the ongoing Wilton Park site, with regard to the illustrative features of grey belt in the PPG.
8. This is, therefore, ultimately a matter of planning judgement, notwithstanding the rigorous work done by the appellant to address the design and landscaping concerns arising from the previous appeal. Although in my appeal decision I found, in agreement with the officer report, that the site did not strongly contribute to the identified Green Belt purposes, I nonetheless accept that it was not unreasonable for elected members to have reached the conclusion that they did.
9. The AECOM Draft Buckinghamshire Green Belt Assessment (GBA) was published in the week before the inquiry. But the Council indicate it was made aware of its finding that the site would be provisional grey belt in early November 2025 and, shortly before the Case Management Conference in early December, elected members revisited their position and decided not to defend the appeal. I am satisfied that this chain of events demonstrates that the Council had, in light of the emerging evidence base, correctly withdrew its reason for refusal relating to the Green Belt. The GBA does therefore reasonably account for the change in position, notwithstanding the relevance to this appeal of subsequent appeal decisions or legal judgements, and the significance of the change to national policy.

Other reasons for refusal

10. A sequential test to demonstrate that there were no reasonably available sites for the proposed development in areas with a lower risk of flooding was required by the PPG at the time of the Council’s decision. However, the weight to be given to the lack of a sequential test was at that time a matter of planning judgement, notwithstanding that the risks from surface water flooding were assessed by the officer report as being capable of being suitably managed and not identified as a strong reason for refusal under footnote 7 of the Framework. Accordingly, elected

members were reasonably entitled to reach the conclusion that they did. Then, in September 2025, the PPG was revised to emphasise that a proportionate approach should be taken, in summary, that the test would not be required where a site specific flood risk assessment demonstrates clearly that users would remain safe from flooding. Following that change, the Council rightly kept its position under review and withdrew its objection on this ground.

11. The appellant argues that this and the other reasons for refusal represent a cascade. Namely, that once the grey belt reason for refusal had been withdrawn, the other reasons for refusal only fell away because they were insufficiently robust to stand on their own. The other reasons relate to landscape and visual effects, agricultural land and flood risk. Again, these are matters to which planning judgement can be applied. Although in my appeal decision, I agreed with the planning merits of the relevant arguments put forward by the appellant in these respects, this does not mean that different conclusions are in themselves unreasonable. Thereafter, the Council, having reviewed new evidence, was entitled to reassess the planning balance in the round, as it did, and to conclude that the proposal could now be supported.
12. In conclusion, whilst I have found in my appeal decision that the proposal should be allowed, it does not follow that the development should clearly have been granted permission. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

P Hanna

INSPECTOR