



Costs Decision

Hearing held on 10 March 2026

Site visit made on 10 March 2026

by R Merrett BSc(Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2026

Costs application in relation to Appeal Ref: APP/J0405/X/25/3376423 Wing Caravan Site, Land Off Wing Road, Wing, Buckinghamshire LU7 0LB

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Gerard O'Connor for a full or partial award of costs against Buckinghamshire Council.
 - The appeal was against the refusal of a certificate of lawful use or development for Proposed use as a caravan site for eight residential plots, vehicle plot, work area, an amenity block and additional landscaping subject to conditions 2, 5, 8, 10, 15 and 16 of planning permission reference 07/01648/ACC.
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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.
3. The appellant's case is that the Council has misunderstood the question posed by the LDC application, namely would the proposed development amount to a material change of use requiring planning permission, or a breach of condition. Accordingly, they say the application was not determined in accordance with the law, resulting in unreasonable refusal of the application and need to appeal. A full award of costs is therefore sought; or in the alternative a partial award from the point the appeal was submitted, and when the Council ought to have reviewed its case.
4. The Council's rebuttal case is that the removal of wording describing who the permission enures for is material to the use itself. It had regard to what it termed the "highly material and authoritative findings as to the status of the 2007 permission", as set out in the previous Inspector's appeal decision.
5. I am in no doubt that the correct legal test is that specified by the appellant, as followed in my main decision on this appeal. The Council is wrong to state that the enuring effect of the permission is material to the use itself. As set out in the main decision it is the permission, not the use of the land, that in this case enures for the benefit of the Council.
6. However, the Council rightly had regard to the content of the previous Inspector's appeal decision. The PPG indicates that to do otherwise could itself potentially

result in unreasonable behaviour¹. The appeal decision included the statements that the 2007 planning permission can only enure for the benefit of the Council and not the land². In addition, within the previous Costs decision on the same matter, the Inspector referred to uncertainty regarding the applicant's intentions in pursuing a permission, that on his own evidence he cannot implement / complete; and also to the outcome of the appeal offering no apparent benefit to the applicant³. The Inspector also referred to there being, on the face of it, no obvious or logical reason for the LDC to be submitted⁴.

7. It seems to me, in the context of those findings, the Council was heavily influenced to the position that the lawful development certificate should not be granted in this case. Therefore, despite approaching the question of lawful use incorrectly, I am not persuaded on the balance of probability, given the complex history of this case and previous appeal decision letters, that the Council acted unreasonably.
8. The appellant also says that the Council's response to their Costs application was received after the agreed deadline specified by the Inspector. I acknowledge, that despite timely submission to the Planning Inspectorate, the Council's response was conveyed to the appellant after the agreed time. However, I do not consider this has in any way prevented the appellant from setting out their case in full, and thus I am satisfied that no prejudice has been caused.
9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs, either in full or partial terms, is not warranted.

R Merrett

INSPECTOR

¹ Paragraph: 049 Reference ID: 16-049-20140306.

² Paragraphs 5 and 25.

³ Paragraph 10.

⁴ Paragraph 11.