



Costs Decision

Site visit made on 24 February 2026

by P Brennan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 April 2026

Costs application in relation to Appeal Ref: APP/X0415/W/25/3372329 118 Chalfont Road, Seer Green, Beaconsfield HP9 2QP

- 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 John Donovan for a full award of costs against Buckinghamshire Council - East Area (Chiltern).
 - The appeal was against the refusal of the Council to grant planning permission for a replacement self-build dwelling and garage.
-

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 PPG states that a Council would be vulnerable to costs if it prevents or delays development which should clearly be permitted, having regard to its accordance with national policy.
3. This application asserts unreasonable behaviour on the part of the Council by delaying development that clearly should have been permitted based on the inconsistency of the Council in relation to similar developments within the Green Belt. As such, it is alleged that the unreasonable behaviour has caused the appellant to incur unnecessary or wasted expense in the appeal process.
4. Planning permission for a replacement dwelling in the Green Belt has previously been refused and dismissed on appeal. On both occasions it was determined that the proposed development was materially larger than the dwelling it would replace and was therefore inappropriate development in the Green Belt. This formed the same reason for refusal for the appeal now before me.
5. Whilst the replacement dwelling has been reduced in size from the previous refusal, based on the dwelling it would replace, it can be seen in my main decision that I agree with the Council that it remains materially larger. In the absence of a numerical figure within the Chiltern Local Plan and the National Planning Policy Framework, this is a matter of judgement based on fact and degree associated with each application's individual set of circumstances.
6. Several decisions made by the Council and other Inspectors were brought to my attention within the appeal evidence including those at Fieldgate, The Homestead,

- 114 Chalfont Road and Bath Cottage. I note that the decision at 114 Chalfont Road related to extensions to the existing dwelling and does not therefore relate to the development proposed. Whilst the other decisions have taken different approaches when compared to this proposal, the examples illustrate that the Council applied its own judgement and was entitled to form a different conclusion, based on the circumstances relating to the application. This does however lead to some inconsistency with some past decisions.
7. However, in this case and considering the most recent and relevant decision to this particular site, as outlined in my main decision, I consider that the Council made a reasoned and justifiable decision. Consequently, this is not a situation where planning permission should have clearly been granted.
 8. I have agreed with the appellant that the appeal site is not within a 'built up' area as the enclave of dwellings, of which the site forms part, is separated from Seer Green by open countryside. The partial redevelopment of the site is still subject to the test of openness in relation to the Green Belt. The existence of a lawful development certificate for extensions to the existing dwelling formed a fallback position. However, whilst the fallback scheme would result in an increase in footprint and volume when compared to the appeal proposal, the appeal proposal was considered to be more harmful to the openness of the Green Belt than the fallback. Consequently, this was of limited weight in the assessment which did not amount to very special circumstances allowing the application to be determined favourably.
 9. I am aware that the applicant sought pre-application advice from the Council after reducing the scheme following the previous refusal. The Council advised that, based on its planning judgement, the proposed development was still too large. The application was submitted and despite correspondence between the parties, the application was refused.
 10. I acknowledge the considerable costs attached to the submission of planning applications and appeals. I am also conscious that the applicant seeks the replacement dwelling to provide adequate and appropriate single storey living accommodation for him and a disabled family member and I address this in my main decision. However, for the reasons above, this is not development that clearly should have been permitted, and the Council has not caused the applicant to incur unnecessary or wasted expense following its assessment and decision on the application.

Conclusion

11. The Council has not acted unreasonably with respect to its consideration of the scheme. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated.

P Brennan

INSPECTOR