



Costs Decision

Site visit made on 14 April 2026

by **Peter White BA(Hons) MA DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 April 2026

Costs application in relation to Appeal Ref: APP/K0425/C/24/3343911

Land at The Crown, City Road, Radnage, Buckinghamshire HP14 4DW

- 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 C Wenman for a full award of costs against Buckinghamshire Council.
 - The appeal was against an enforcement notice alleging, without planning permission,
 - A material change of use of the Land to a mixed use, comprising of a public house, car sales and associated vehicle storage (the "Unauthorised Use"); and
 - Operational development integral to the unauthorised use, comprising the construction of hardstanding, a modular structure, fencing and access gates.
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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. In summary terms, the Council's case is that the appellant's case on ground (c) is not arguable, and that his case on ground (a) lacked the evidence and justification required to have any prospect of success.
4. On ground (c), whether a *material* change of use has occurred in any particular case is ultimately a matter of judgement, and the appellant was entitled to make their case, which they did. Similarly, in relation to the fence and gates, it was open to the appellant to argue that they were 'permitted development' and not part and parcel of the mixed use. Ultimately, although I was not persuaded by these arguments, it was not unreasonable for the appellant to have made them.
5. On ground (a), Section 177 of the Act empowered the Secretary of State to grant planning permission in relation to the whole or any part of the matters to which the Notice relates. In relation to the green belt, the appellant's arguments on whether part of the development was not inappropriate development required a judgement on its effect on openness and the green belt purposes, as did judgement of the effect of the whole development on openness. And similarly with regard to its effects on the National Landscape. Those were arguments the appellant was entitled to make.
6. I found in my appeal decision that the Council's objections on ecology and trees could be addressed by planning conditions, and that my decision therefore did not

turn on those matters. The Council's own case on these matters was very limited and, given the scope of the development, it was not unreasonable for the appellant to have determined that there was little prospect of harm to protected species, trees and ecology.

7. The appellant's response to the potential loss of land in use as a community facility was that there was no such loss. Although I found that argument unconvincing, it was not wholly unreasonable for the appellant to make that case.
8. It was also not unreasonable for the appellant to argue that the fencing enclosing the car park was permitted development, being set back from the road and no more than 2m in height, although I found otherwise.
9. The appellant therefore presented arguments in respect of the reasons for the Council issuing the Notice, and those arguments were not wholly without merit.
10. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Peter White

INSPECTOR