



Costs Decisions

Inquiry held on 15, 16 and 17 April 2026

Site visit made on 17 April 2026

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH JP
an Inspector appointed by the Secretary of State

Decision date: 14 May 2026

Costs applications in relation to Appeal Ref: APP/N0410/C/25/3376465 Denham Mount, Blacksmiths Lane, Tatling End, Buckinghamshire UB9 4HW

- The applications are made under the Town and Country Planning Act 1990, sections 174, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - Application A is made by Mr Ahmed Al-Amood (Blacksmiths Palace Limited) for a full award of costs against Buckinghamshire Council.
 - Application B is made by Buckinghamshire Council for a partial award of costs against Mr Ahmed Al-Amood (Blacksmiths Palace Limited).
 - The Inquiry was in connection with an appeal against an enforcement notice alleging without planning permission,
a material change of use to a (sui generis) mixed use, comprising:
 - Residential and agricultural, AND
 - equestrian
 - hotel
 - office
 - vehicle sales
 - the commercial parking of vehicles
 - storage
 - vehicle repairs and maintenanceAND
To facilitate the unauthorised mixed use, the carrying out of operational development comprising:
 - the laying of hardstanding,
 - the erection of a canopy structure.
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Decisions

1. Application A for an award of costs is refused.
2. Application B for an award of costs is allowed in the terms set out below.

Reasons

3. The Planning Practice Guidance 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.

Application A

4. This application is made on substantive grounds. This appellant argues that it was unreasonable for the Council to issue the enforcement notice, and then to defend the appeal, on the basis that the appeal site is a single planning unit.
5. I have found in my Appeal Decision that the appeal site is a single planning unit and I have upheld the notice. It follows that I do not find it unreasonable for the Council to have issued the notice and to have defended the appeal.

6. As part of the early engagement process encouraged to avoid potentially unnecessary Inquiries, and having considered the limited documents before me at that stage¹, I flagged with the Council that its view relating to the planning unit appeared to be inconsistent with positions taken at the time of the earlier appeal determined by Inspector Brownless². I asked it to consider the apparent inconsistencies and if, after such consideration, it decided to withdraw the notice it should do so within 7 days (to hopefully avoid any unnecessary expense in the preparation of statements). The Council decided to defend the appeal and ultimately was successful in its argument that the site comprises a single planning unit (which had also been the conclusion of Inspector Brownless). The Council was entitled to change its earlier positions on the planning unit, which it had done following further investigation and reflection³.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Application B

8. The Council's application relates to the way the appellant prepared its case:
 - the grounds of appeal were unaccountably sparse and put the Council to additional work in preparing a statement of case without being able to fully understand the case it had to meet;
 - the appellant's statement of case was completely changed from the grounds of appeal, with a new ground (b) argument on planning units. Grounds (a), (c) and (d) were dropped; and
 - the appellant's proofs included a great deal of new evidence and new arguments/positions, which required the Council to respond by way of a rebuttal proof.
9. The Council seeks a partial award for its costs of responding to the grounds (a), (c) and (d) arguments, providing its comments on the statement of case and providing the rebuttal proof.

The dropped (a), (c) and (d) grounds

10. The appellant was professionally advised at the time the appeal was made, and there was nothing unusual in having to meet the normal time pressures in setting out the grounds of appeal. The appellant says that it was reasonable to protect its position at the outset (particularly as regards the ground (a) appeal) and that the above grounds were dropped as soon as it became clear that they could not be sustained. However, professional advice was in place at the outset and it was unreasonable not to have sufficiently considered at that stage the soundness of the basis upon which the grounds were put forward. As a result, the Council was put to the unnecessary expense of addressing the grounds which were later dropped. That was particularly the case (notwithstanding the assessment of expediency in the enforcement report) in respect of the ground (a) appeal, and to a lesser extent as regards grounds (c) and (d) – nevertheless these were unnecessary costs caused by unreasonable behaviour.

¹ Including those relating to APP/N0410/C/25/3364195, also before me and pertaining to the same site.

² APP/N0410/C/23/3321178

³ Including the use of a Planning Contravention Notice.

The appellant's statement of case

11. In addition to dropping the above grounds, the appellant made a new ground (b) argument on the planning unit. However, ground (b) had already been specified as a ground of appeal and the Council had an opportunity to address the planning unit issue in its final comments and proof of evidence (which it did, in detail). Had the planning unit argument been set out in the brief grounds of appeal, the Council would simply have had to address it sooner – in any respect, in my view the planning unit was always going to be an issue in the Inquiry given the Council's earlier conflicting positions upon it. Therefore, this particular matter did not cause unnecessary or wasted expense through any unreasonable behaviour.

The appellant's proof of evidence

12. The Town and Country Planning (Enforcement) (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2002 requires a statement of case to be served by the appellant within 6 weeks of the starting date. The statement of case should contain full particulars of the case which a person proposes to put forward at an inquiry, and a list of any documents which that person intends to refer to or put in evidence.
13. However, the statement of case did not meet those requirements. It did not contain a list of documents that it intended to refer to or put in evidence. Instead it vaguely said "*The Appellant will produce witness statements with exhibits to prove the facts relied upon. The Appellant will also rely on previous appeal decisions and reports.*" I flagged the omission at the Case Management Conference (CMC) and it was said on behalf of the appellant that there would be unlikely to be many such documents relied upon. I directed – re-iterated in my post-CMC note to the parties – that the appellant was "**to provide a list of all documents that they will rely on (absent from the statement of case), by 27 Feb 2026.**"
14. That direction was not complied with, and on 18 March 2026 (the deadline for receipt of proofs), the appellant submitted a proof of evidence which only then fully shed light on the documents it was relying on (and it introduced new points and arguments). Being that the Council had already submitted its proof of evidence, and that it was in the interests of fairness that it should be able to address the appellant's material, I permitted the option of rebuttal proofs and the Council subsequently provided one. The Council was put to the unnecessary expense in that regard, which was due to the appellant's unreasonable behaviour. Essentially, the Council has unreasonably been put to the expense of providing 2 proofs instead of 1.

Costs Order (Application B)

15. 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 Mr Ahmed Al-Amood (Blacksmiths Palace Limited) shall pay to Buckinghamshire Council, the costs of the appeal proceedings described in the heading of these decisions limited to those relating to responding to grounds (a), (c) and (d) and in preparing the rebuttal proof; such costs to be assessed in the Senior Courts Costs Office if not agreed.

16. The applicant is now invited to submit to Mr Ahmed Al-Amood (Blacksmiths Palace Limited), to whom a copy of these decisions have been sent, details of those costs with a view to reaching agreement as to the amount.

Andrew Walker

INSPECTOR