



Costs Decision

Site visit made on 18 March 2026

by **M Chalk BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 May 2026

Costs application in relation to Appeal Ref: APP/N0410/W/25/3376692 Boveney Court Farm, Boveney Road, Dorney, Windsor, Buckinghamshire, SL4 6QG

- 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 Eton College for a full award of costs against Buckinghamshire Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for demolition of open sided barn, conversion, alteration and change of use of existing buildings from Use Class B8 to Use Class C3 to provide 7 residential units and construction of 5 new residential units, to provide a total of 12 residential units (2 x 2 bedroom; 6 x 3 bedroom; and 4 x 4 bedroom) including hard and soft landscaping, attenuation pond, bin and cycle stores, car parking, infrastructure and associated works.
-

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's case

3. The applicant contends that the council acted unreasonably through its planning committee deferring a decision on the planning application due to the failure to meet the Golden Rules and a lack of information on bat protection.
4. National planning practice guidance states that where development is subject to the Golden Rules site specific viability assessment should not be undertaken for the purpose of reducing developer contributions, including affordable housing. The applicant therefore considers it was not necessary to provide more information regarding the viability of the appeal proposal, and that the scheme was supported by the council's own viability consultant.
5. The applicant further notes that the council's ecology consultant found the proposal to be acceptable in terms of their impact on existing wildlife including protected species.
6. The applicant subsequently lodged an appeal against non-determination of the application. A later meeting of the council's planning committee concluded that planning permission would have been refused due to the failure to meet the Golden

Rules. The applicant states that at both committee meetings members referred to the applicant's financial background in discussions about affordable housing and other suggested contributions, together with other comments which they contend amounts to unreasonable behaviour. The members also disputed technical matters in relation to flooding and ecology issues without technical evidence to support the discussions, and chose not to pursue the ecology issue as a reason for refusal at its second meeting in spite of no new evidence being presented.

7. The applicant considers that the committee's resolution to afford a failure to meet the Golden Rules attracted substantial weight was not appropriate nor substantiated as it was not supported by evidence or justified, in spite of the development being supported by officers, delivering various benefits and the council's housing land supply resulted in a presumption in favour of sustainable development.
8. Overall, the applicant contends that the council's behaviour in relation to viability and bats was unreasonable and resulted in unnecessary and wasted expense in having to prepare and pursue the appeal.

The council's response

9. The council responds that at the first meeting the viability of the development had not been fully tested as only informal advice had been sought from its viability consultant. Members also felt that, given the importance of bats and their protected status, additional information was required.
10. The council sought to engage with the applicant to progress the scheme from that point but the applicant chose to submit an appeal against non-determination. The application was then reported back to the committee for members to determine the council's position on the appeal.
11. The council asserts that the committee members assessed the proposal against national planning policy. They considered that the proposals did not meet 2 of the 3 Golden Rules, and that this weighed against the development. Members considered that a failure to meet the Golden Rules carried equal weight to that indicated in national planning practice guidance for those developments which do meet them.
12. It is for the decision maker to assess a proposal and attribute the level of harm to the various matters as they see fit. The council considers that national policy has been applied correctly, and the putative reason for refusal was clearly substantiated. The council does not consider that unreasonable behaviour occurred.

Reason

13. The council acted unreasonably in their initial deferral of the application in part on ecological grounds when there was no evidence to dispute the applicant's case. The development was supported on this ground by their own officers and consultants. This ground was not pursued by the council at appeal stage but did contribute to the appellant making the appeal. However, the applicant has not detailed any additional expense specifically tied to this point.

14. The Golden Rules introduced in the December 2024 revision of the National Planning Policy Framework are a material consideration that was not before the Inspector who determined the previous appeal on this site for this development. It was clearly correct for the council to review the question of viability given this change in circumstances. While members were advised that the development complied with Core Policy 3 of the council's core strategy, that the development would fail to meet the Golden Rules is not disputed. Members were entitled to decide how much weight that failure attracted in determining the council's position. That I have reached a different conclusion in allowing the appeal is a matter of planning judgement.
15. I reviewed each of the highlighted sections of the committee meetings. Members discussed elements of the development and surrounding concerns, some of which were raised by residents or consultees. The members at times referenced the aims to ensure that the development delivered suitable contributions towards infrastructure or affordable housing. Such discussions are not, in my experience, uncommon at committee meetings as members seek to understand often complex matters of planning policy and properly represent residents. Members took advice from officers on several of these points and did not pursue any of the specific points to an unreasonable degree. As these discussions did not lead to the council raising additional reasons for refusal, I do not consider that they amount to unreasonable behaviour on the part of the council.
16. Overall, while some unreasonable behaviour did occur this did not directly result in the applicant incurring unnecessary or wasted expense in the appeal process. The application for an award of costs is therefore refused.

M Chalk

INSPECTOR