



Costs Decision

Site visit made on 12 May 2026

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 June 2026

Costs application in relation to Appeal Ref: APP/K0425/C/24/3356208 Land at St Regis Park, Bassetsbury Lane, High Wycombe, Buckinghamshire HP11 1RB

- 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 Birchs Park Homes Ltd for a full award of costs against Buckinghamshire Council.
 - The appeal was against an enforcement notice alleging without planning permission, the laying of a hardstanding.
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Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals are normally expected to meet their own expenses. However, the Planning Practice Guidance (PPG) appeals chapter advises that costs may be awarded where a party has behaved unreasonably and that behaviour has caused another party to incur unnecessary or wasted expenditure in the appeal process (paragraphs 028 and 030).
3. Paragraph 028 of the PPG explains that the aim of the costs regime is to encourage all those involved in the appeal process to behave in a reasonable way and follow good practice, both in terms of timeliness and in the presentation of full and detailed evidence to support their case. At paragraph 031, the PPG advises that 'unreasonable' has its ordinary meaning, as established by the Courts¹. It goes on to explain that unreasonable behaviour can be either procedural-relating to the process, or substantive-relating to the issues arising from the merits of the appeal.
4. The applicant sought a full award of their costs incurred in making the appeal, on both procedural and substantive grounds. The application was made in writing, in accordance with the PPG at paragraph 035. In summary, the applicant's case is as follows. The applicant made it clear from the outset that the enforcement notice is a nullity. The Local Planning Authority have enforced against development which already benefits from planning permission. The LPA's written statement of case makes reference to planning permissions, attached conditions and other matters not identified in the notice as being relevant to either the breach, the requirements or the reasons for issue, to which the appellant has had limited opportunity to respond.

¹ *Manchester City Council v SSE & Mercury Communications Limited* [1988] JPL 774

5. In paragraph 047, the PPG stresses that the LPA is required to behave reasonably in relation to procedural matters at the appeal, for example by complying with the requirements and deadlines of the process. Included in the non-exhaustive list of examples of unreasonable behaviour which may result in an award of costs on procedural grounds are introducing fresh and substantial evidence at a late stage, necessitating an adjournment or extra expense for preparatory work that would not otherwise have arisen.
6. Paragraph 048 concerns matters including the handling of the enforcement notice prior to the appeal. It advises that an LPA is at risk of an award of costs where it is concluded that a more diligent investigation would have either avoided the need to issue the notice in the first place or ensured that it was accurate.
7. At paragraph 049, the PPG advises that the LPA is at risk of an award of costs where they behave unreasonably with respect to the substance of the matter under appeal, including by unreasonably defending an appeal. Amongst the non-exhaustive list of examples where such circumstances might arise are failing to produce evidence to substantiate reasons for refusal on appeal, making vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis and not reviewing the case promptly following the lodging of an appeal, as part of sensible on-going case management.
8. I do not share the applicant's view that the LPA behaved unreasonably in respect of the handling of the notice prior to the appeal. The notice is not a nullity. Further investigations could have been undertaken, including serving a Planning Contravention Notice, before concluding that it was expedient to take enforcement action. However, it is unlikely that doing so would have established a substantially different factual nexus.
9. Nor do I agree that the applicant's case at appeal has been prejudiced by the reference to salient parts of the planning history, including conditions attached to the caravan park planning permission, in the LPA's statement. By and large, the reasons for issuing an enforcement notice represent a concise statement of why the LPA considered it was expedient to take enforcement action, taking into account the provisions of the Development Plan and any other material considerations. It is not unusual or unreasonable for the LPA to expand on those reasons in its response to an appeal. The relevant permission is referenced in the reasons for issuing the notice.
10. The LPA's expediency report provided a sufficiently detailed explanation of the reasons for issuing the notice, including by reference to the planning history and conditions attached to the relevant permission. A copy of that report would have been provided to the applicant with the appeal questionnaire. Moreover, the planning history, including the details approved pursuant to conditions attached to the relevant permission, would for the most part have already been available to the applicant prior to the appeal being made.
11. In the circumstances and on the whole, the contents of the LPA's statement should not have come as a great surprise to the applicant. The LPA's statement does not contain any fresh, substantial evidence which for example, attempted to amend the reasons for issuing the notice, to introduce additional reasons or change the requirements. The extra work undertaken by the applicant in preparing their final comments reflects the appeals process rather than indicating that the LPA have

behaved unreasonably. None of this suggests that the applicant was unable to submit the fullest case possible in support of their appeal.

12. Ultimately, in my view the LPA's case is founded in a body of significant, relevant and objective evidence which, in relation to ground (a), is supported by Development Plan policy. Following consideration of all the available evidence, my findings on the various grounds of appeal did not differ significantly from the views expressed by the LPA. The LPA has thus been able to substantiate its case at appeal.
13. Accordingly, I have found little which suggests that the LPA's actions in the appeal have been similar to the examples of unreasonable behaviour relating to the procedures of the appeal, the handling of the enforcement notice or the substance of the case at appeal referred to above, or that they have otherwise acted unreasonably. It follows that the conditions for an award of costs in the PPG at paragraph 030 have not been met.

Conclusion

14. For the reasons set out above, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Stephen Hawkins

INSPECTOR