
Costs Decision

Site visit made on 11 March 2026

by **A O'Neill BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 June 2026

Costs application in relation to Appeal Ref: APP/K0425/W/25/3377185

Land west of Hammersley Lane, Tylers Green, Bucks HP10 8HF

- 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 South Point Projects & NK Developments (No4) Ltd for a full award of costs against Buckinghamshire Council.
 - The appeal was against the refusal of "Application for Permission in Principle for residential development of two residential units construction of footpath from Hammersley Lane into land allocated under Policy HW6 of the Wycombe Local Plan".
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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. Unreasonable behaviour on the part of a local planning authority may include it making vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis, failing to substantiate reasons for refusal, and not determining similar cases in a consistent manner.
4. In this regard, the applicant's case asserts unreasonable behaviour on the part of the Council for the following reasons. First, that the Council failed to undertake any meaningful assessment of the site's sustainability credentials. Second that the Council failed to take account of other planning permissions granted on Hammersley Lane. Finally, the appellant asserts that the Council failed to take account of policies such as the settlement hierarchy.
5. With respect to the first point, the Council addressed whether the site is in a sustainable location in the Officer Report, with reference to a previous appeal decision on the site. Furthermore, in their appeal statement, the Council provided additional assessment of the site's location and access to services and facilities via sustainable transport modes. Accordingly, I do not find that the Council has failed to undertake a meaningful assessment of whether the site is in a sustainable location, nor have they failed to substantiate their reason for refusal in this regard.
6. With respect to consistency in decision making, as I have set out in my appeal decision, the Council addressed the other cases highlighted by the applicant in their appeal submission. Those cases were subject to different planning policies than the

appeal proposal. This was due to some of them being located within the settlement of High Wycombe, where different planning policies apply. For those cases that were also located in Green Belt, the Council explained that the proposals complied with another Framework exception for development in the Green Belt. As such, I have no substantive evidence to show that the Council has been inconsistent in its approach to decision making.

7. Finally, I turn to whether the Council failed to take account of policies such as the settlement hierarchy. The Council's officer report sets out, in section 4.0, the policy context for the proposal with reference to the Wycombe District Local Plan 2019 (the LP). This includes reference to LP Policies CP2 and CP3 which set out the Council's strategy for the location of development, including the settlement hierarchy. Furthermore, the report identifies that the site does not lie within one of the LPs defined settlements and that it is located within the Green Belt. The Council therefore did not fail to take account of policies, as asserted by the appellant.

Conclusion

8. In view of the above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, an award of costs is not justified against the Council.

A O'Neill

INSPECTOR