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## Costs Decision

**by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA**

**an Inspector appointed by the Secretary of State**

**Decision date: 08 January 2024**

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**Appeal Ref: APP/N0410/X/22/3310567**

**Cliveden Stud House, Cliveden Road, Taplow, MAIDENHEAD, SL6 0HL**

- The application is made under the Town and Country Planning Act 1990, sections 195, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr Mahadevan Krishnamohan for a full award of costs against Buckinghamshire Council - South Area (South Bucks).
  - This was in connection with an application for a Lawful Use or Development Certificate that Cliveden Stud House as built is materially different to the dwelling permitted under planning permission references ER/1466/68 and ER/679/70
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### Decision

1. The costs application is refused.

### The submissions

2. The submissions for the appellant and Council were made at the hearing.

### 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.
4. Costs can only be awarded in relation to unnecessary or wasted expense in the appeal, but behaviour and actions at the time of the application can be taken into account in deciding whether or not costs should be awarded.
5. The appellant says there was failure to determine the application and no reasonable explanation was given. If the Council had viewed the evidence it would have seen that the LDC certificate should have been issued. Its actions have delayed development. The Council also failed to produce evidence to substantiate its reasons with generalised and inaccurate assertions as to the evidence and its value.
6. The Council says that while there was failure to determine the application, having fully considered the case it remains of the opinion that not issuing a certificate was well founded. It has produced evidence to back up its case. Therefore, the appeal would have been necessary in any case, so there has been no wasted expense.
7. I accept that the Council failed to determine the application. This may have caused delay, if it was found that the LDC should have been issued. However, the Council, after considering the matter, decided that it would not have issued a certificate. I have also now determined the main appeal and consider that a certificate should not be issued, for reasons explained in the appeal decision.

8. I therefore do not consider that this in itself has caused wasted expense as the outcome, even with the failure to determine, would have resulted in the need for an appeal.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

*Graham Dudley*

Planning Inspector