
Costs Decision

Site visit made on 18 May 2017

by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 June 2017

Costs application in relation to Appeal Ref: APP/J0405/W/17/3169381 Land adjacent Well House, The Common, Preston Bissett MK18 4NA

- 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 Christopher McNally for a partial award of costs against Aylesbury Vale District Council.
 - The appeal was against the refusal of planning permission for erection of three dwellings, demolition of all buildings in agricultural use, B8 storage distribution use and B1 industrial use.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. It goes on to state that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing planning applications and preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
4. The applicant suggests that the Council incorrectly stated that they have a 5.8 year supply of housing. However the Council, in their officer's report, accepts this figure does not account for unmet need from neighbouring authorities and so their policies relating to housing supply cannot be considered up to date. In this context, the Council's determination of the application was reasonable, and the research carried out by the applicant was of little consequence.
5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and consequently the application for an award of costs is refused.

Andrew Owen

INSPECTOR
