Department for Communities and Local Government

Our ref:APP/K0425/W/16/3149747
Your ref: WJM/841/254/DCLG

20 July 2017

Mr Bill Morle
Wilks Head & Eve
6th Floor, Fairgate House
78 New Oxford Street
London WC1A 1HB

Dear Sir

LOCAL GOVERNMENT ACT 1972 – SECTION 250(5)
TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78 AND 320
APPEAL MADE BY MOLINS PLC
FORMER MOLINS SPORTS AND SOCIAL CLUB, MILL LANE, MONKS RISBOROUGH, BUCKINGHAMSHIRE
APPLICATION REF 15/07870/OUT

APPLICATION FOR AN AWARD OF COSTS

1. I am directed by the Secretary of State to refer to the enclosed letter notifying his decision on the appeal as listed above and summarised below:

   appeal against the failure of Wycombe District Council to give notice within the prescribed period of a decision on your client's application for planning permission for the construction of up to 131 new dwellings with associated roads, pathways, ancillary refuse/ bicycle storage and car parking areas, amenity spaces, play spaces and landscaping, in accordance with application ref:15/07870/OUT dated 6 October 2015.

2. This letter deals with your client's application for a partial award of costs against the Council. The application as submitted and the Council's response are recorded in the Inspector's costs report, a copy of which is enclosed.

3. In planning inquiries, the parties are normally expected to meet their own expenses, and costs are awarded only on grounds of unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process. The application for costs has been considered in the light of the Planning Practice

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Guidance, the Inspector's costs report, the parties' submissions on costs, the inquiry papers and all the relevant circumstances.

4. The Inspector's conclusions are stated at paragraphs 12-20 of her costs report. She recommended that your client's application for a partial award of costs be refused.

5. Having considered all the available evidence, and having particular regard to the Planning Practice Guidance, the Secretary of State agrees with the Inspector's conclusions in her report and accepts her recommendation. Accordingly, he has decided that a partial award of costs against the Council, on grounds of 'unreasonable behaviour', is not justified in the particular circumstances. The application is therefore refused.

6. This decision on your application for an award of costs can be challenged under section 288 of the Town and Country Planning Act 1990 if permission of the High Court is granted. The procedure to follow is identical to that for challenging the substantive decision on this case and any such application must be made within six weeks from the day after the date of the Costs decision.

7. A copy of this letter has been sent to the Council.

Yours faithfully,

Philip Barber

Authorised by the Secretary of State
to sign in that behalf