

## Costs Decision

Site visit made on 21 May 2019

**by G Jenkinson BSc (Hons) MSc MRTPI**

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

**Decision date: 19<sup>th</sup> August 2019**

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### **Costs application in relation to Appeal Ref: APP/ J0405/W/19/3223501 Finches, Thame Road, Long Crendon, HP18 9AS**

- 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 G May-Brown for a full award of costs against Aylesbury Vale District Council.
  - The appeal was against the refusal of planning permission for a two-storey side extension, raising the existing roof and altering its shape and removal of an existing lower side extension.
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### **Decision**

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

### **Reasons**

2. 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. The application essentially relies on the applicant's argument that the Council has failed to determine the application within a timely manner, that they altered their advice during the process and that they did not provide adequate grounds for their refusal.
4. PPG indicates that Local planning Authorities will be at risk of an award of costs being made against them if they fail to produce evidence to substantiate each reason for refusal.
5. It will be seen from my decision that I agree with the Council in a number of their reasons for refusal and that there were sufficient grounds for refusing planning permission. It follows that I am satisfied that the Council has shown that it was able to substantiate its reasons for refusal.
6. A planning decision is a matter of judgement. The applicant appears to take issue with the Council's handling of the application. The applicant is aggrieved by the time taken by the Council without determining the application, the change in case officer and a general lack of communication. My remit, however, is to determine the appeal with regard to the planning merits and impacts resulting. Procedural issues as to determination of the original application must remain a matter between the two main parties.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated and the claim for costs is therefore refused.

*Gemma Jenkinson*

INSPECTOR