



Costs Decision

Site visit made on 14 October 2019 by S Watson BA(Hons) MSc

Decision by R C Kirby BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 23 January 2020

**Costs application in relation to Appeal Ref: APP/J0405/W/19/3234133
The Warehouse, Sunnyhill Farm, Little Horwood Road, Great Horwood
MK17 0NZ**

- 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 Mr Bill Reddrop for an award of costs against Aylesbury Vale District Council.
 - The appeal was against the refusal of planning permission for building operations (new doors, windows, other glazing, balconies and laying out of curtilage) necessary to support a separate request for Prior Approval under Class P permitted development.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) makes it clear that parties in planning appeals normally meet their own expenses. All parties are expected to behave reasonably to support an efficient and timely process. Where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.
3. The applicant submits that Aylesbury Vale District Council's refusal of planning application ref 18/04446/APP was vague and contained inaccuracies, and that it was inconsistent with recent decisions. Moreover, he asserts that the decision has prevented or delayed development which should have been permitted. It is submitted that the Council's decision was therefore unreasonable and an unjustified refusal of planning consent.
4. The Council's delegated report was detailed setting out a number of matters including the policy background against which the proposal was considered, details of the proposal and an assessment of it, including setting out the Class P change of use. The refusal reason set out clearly the concerns in respect of the proposal. In terms of policies, those policies referred to were relevant, including Policy RA.11 insofar as it relates to the conversion works to the building. Whilst I found that the guidance within the *Design Guide 2: The Conversion of Traditional Farm Buildings* was not relevant to the proposal before me, it was not unreasonable of the Council to refer to the principles of the guidance on conversion schemes such as that proposed. The disagreement

over the planning history of the site had no bearing on my consideration of the proposal as the appeal scheme related to alterations to the buildings only.

5. From the information available to me, and as all proposals need to be considered on their own merit, I find that the Council's decision in respect of the appeal application was not inconsistent with other decisions that it has made, including that associated with the example submitted as part of the appeal process by the applicant.
6. I consider that the Council has not acted unreasonably in their refusal of the planning application, and that their reasons for refusal were based on the relevant policies. The work undertaken by the applicant, involved in defending this appeal, was necessary and therefore not a wasted expense.

Conclusion and Recommendation

7. In light of the foregoing, I find that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated. I recommend that an award of costs would not be justified in this case.

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

8. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the application for costs is refused.

RC Kirby

INSPECTOR