
Costs Decision

Site visit made on 21 January 2020

by A Denby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2020

Costs application in relation to Appeal Ref: APP/J0405/D/19/3241560 13 Sheerstock, Haddenham, HP17 8EZ

- 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 & Mrs Scott for a full award of costs against Aylesbury Vale District Council.
 - The appeal was against the refusal of planning permission for first floor extension.
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Decision

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

Reasons

2. Paragraph 030 of the Planning Practice Guidance advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. Paragraph 049 of the Planning Practice Guidance states that examples of unreasonable behaviour by local planning authorities include failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The appellants' state that the appeal was unnecessary as the Council failed to consider or attach sufficient weight to the fact that the neighbours, who would be directly affected by the appeal scheme, were supportive of the proposed development. They also consider the Council's reason for refusal is technically incorrect as the extension is adjacent to the north facing window and would not result in any loss of light.
5. In addition the appellants consider the Council did not meet their obligations under the National Planning Policy Framework to act positively or proactively, due to the length of time it took them to determine the application within a number of agreed extensions of time, and that they did not suggest any amendments or highlight any concerns with the scheme during that time.
6. The neighbours' support for the proposed development was written by the applicants in their covering letter for the planning application and was not a statement directly from them. In addition, there were no letters of support submitted during the application process. However, as detailed in the appeal decision the occupancy of No 15 could change, and the scheme must therefore be considered on the basis of the relationship between the built form.

Furthermore, although there were no objections to the application this in itself does not equate to an acceptable development.

7. I appreciate that the outcome of the application would have been a disappointment to the appellant though, for the reasons set out in the appeal decision, I have concurred with the Council, and also found conflict with AVDLP Policies GP.8 and GP.9. As such, I do not consider the Council were incorrect or unreasonable in coming to their decision.
8. The appellant has expressed concerns regarding the time taken to determine the planning application, and lack of communication with the Council during the application process, and specifically that the Council did not highlight any issues with the proposal prior to determination or suggest any amendments that may address them.
9. Whilst this must have caused the appellant some concern and frustration, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. The Council had reasonable concerns about the impact of the proposed development which justified its decision and I find no substantive evidence that the appellant incurred any unreasonable or additional expense as a result of the delay.

Conclusion

10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

A Denby

INSPECTOR