
Costs Decision

Site visit made on 18 February 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th March 2020

Costs application in relation to Appeal Ref: APP/Y0435/D/19/3240293 8 Rutherford Gate, Shenley Lodge, Milton Keynes MK5 7DQ

- 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 Bharambe for a full award of costs against Milton Keynes Council.
 - The appeal was against the refusal of planning permission for two storey rear and first floor side extensions and internal alterations.
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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. It states examples of unreasonable behaviour include (i) 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; (ii) failure to produce evidence to substantiate each reason for refusal on appeal and (iii) vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
3. The Council do not consider that they have behaved unreasonably and point out that the Planning Committee is entitled to come to an alternative view to the officers' recommendation. It is submitted that the Committee acted reasonably in weighing up the various aspects of the case.
4. In this case I have noted the recommendation of the Council's Officers. However, the decision is one which is a matter of judgement. The Council Members in this case were entitled not to accept the professional advice of Officers so long as a case could be made for the contrary view.
5. Therefore, a key issue is whether the Council have provided sufficient evidence to substantiate their reason for refusal at appeal. The reasons for the refusal set out in the decision notice are complete, precise, specific and relevant to the application. It also clearly states the policies of the Milton Keynes Council Plan:MK 2016-2031 that the proposal would be in conflict with. The reasons have been adequately substantiated by the Council in its appeal statement.
6. Accordingly, 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. I have found that in exercising their planning judgement the Council had reasonable concerns about the impact of the proposed development which justified its decision.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, the application for costs is refused.

Gemma Pannell

INSPECTOR