
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: 23rd March 2020

Costs application in relation to Appeal Ref: APP/Y0435/W/19/3242341 55-65 Queensway, Bletchley MK2 2DR

- 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 Malhi Developments Ltd for a full award of costs against Milton Keynes Council.
 - The appeal was against the refusal of planning permission for the demolition of existing buildings; construction of a mixed use scheme of two blocks comprising 48 residential units and 6 ground floor commercial units; retention of existing access, provision of car parking, bin and cycle storage and associated landscaping.
-

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. I accept that the Council have correctly identified that a Planning Committee decision which goes against officer advice is not a reason to give an award of costs in itself as the Committee were entitled to come to their own conclusions on the merits of the proposal.
5. It will be seen from my decision that I have found harm related to highway safety and that this failed to accord with the development plan and any other material considerations. Consequently the Council has not acted unreasonably by preventing a proposal which should have clearly been permitted.
6. 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. The appeal statement demonstrates how the proposal would result in an unacceptable form of development as the statement has made clear reference to the proposal's impact on highway safety.

7. 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 the Council had reasonable concerns about the impact of the proposed development which justified its decision.
8. 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.

G. Pannell

INSPECTOR