



Costs Decision

Site visit made on 8 June 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2020

Costs application in relation to Appeal Ref: APP/J0405/W/20/3246440 Land off Water Stratford Road, Tingewick MK18 4NX

- 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 J Horsman (Montpelier Estates Ltd) for a full award of costs against Buckinghamshire Council-Aylesbury Area.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for erection of a single dwelling.
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Decision

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

Procedural Matter

2. During the course of the appeal, the council who originally determined the planning application merged with a number of other local planning authorities into Buckinghamshire Council. The details in this decision reflect this change.

Reasons

3. 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. This application claims unreasonable behaviour by the Council in terms of failing to determine the planning application within the prescribed time limits without proper explanation and by preventing or delaying development which should clearly have been permitted.
4. The main parties agreed a date of 3 November 2019 for the determination of the planning application yet no formal decision had been issued by the appeal submission date of 6 February 2020. Given the length of this delay, I can understand the appellant's frustration and the decision to submit an appeal against non-determination. However, the evidence shows that the Council advised the appellant of its concerns with the proposal and that the delay was due to consultation with the environmental health officer in respect of ground contamination and land instability. As such, the Council did provide an explanation for not determining the application, albeit one without sound reason for the length of the delay.
5. In any event, from the appeal submissions it is clear permission would have been refused if the Council had determined the planning application. Furthermore, it is evident from my appeal decision that I also have concerns with the proposal. The Council has not delayed development that would accord

with an up-to-date development plan or would be clearly acceptable in planning terms. It therefore follows that an earlier decision from the Council would not have avoided the need to lodge an appeal and the associated expense.

6. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and an award of costs is therefore not justified.

Jonathan Edwards

INSPECTOR