



---

## Costs Decision

Hearing held on 27 October 2020

Site visit made on 28 October 2020

**by William Cooper BA (Hons) MA CMLI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11<sup>th</sup> December 2020**

---

### **Costs application in relation to Appeal Ref: APP/Y0435/W/20/3246813 Land to the east of Maltings Field, Castlethorpe MK19 7EG**

- The application is made under the Town and Country Planning Act 1990 as amended, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Ms Cherise Berridge, Stonewater for a partial or full award of costs against Milton Keynes Council.
  - The appeal was against a failure to give notice within the prescribed period of a decision on an application for consent, agreement or approval to details required by condition of a planning permission.
- 

### **Decision**

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

### **Reasons**

2. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The application centres on the applicant's claim that the Council: (a) made inaccurate assertions about the proposal's impact which are not supported by objective analysis or evidence; and (b) did not engage with the applicant's submissions in respect of affordable housing and its viability implications, and a revised set of plans at appeal stage.
4. PPG indicates that local planning authorities will be at risk of an award being made against them if they make inaccurate assertions about a proposal's impact, fail to produce evidence to substantiate each reason for refusal and lack co-operation with other parties.
5. Regarding matter (a) I see evidence in the Council's Appeal Statement of a rationale for its position on the degree of integration of the proposal with surrounding land, and the impact of the pumping station on character and appearance. I also see evidence in this document of the Council's rationale regarding the impact of public open space on neighbouring living conditions.
6. It will be clear from my appeal decision that I have reached a different view from the Council regarding the impacts of the proposed development. Nevertheless, given the importance of integrating the development sensitively in its edge-of-village setting, the Council was entitled to reach its planning judgement on these matters.

7. Regarding matter (b) the appellant asserts that the Council did not adequately engage with their submissions in respect of affordable housing, viability and a revised set of plans at appeal stage.
8. As set out in my appeal decision, tenure mix is beyond the scope of the reserved matters. Furthermore, the substance of the proposal and the core issues relating to its suitability are similar with reference to either set of drawings. As such, further analysis of submitted tenure mix and design revision documentation is unlikely to have prevented core issues of character, appearance and neighbouring living conditions being matters of dispute between the main parties.
9. To conclude, I find that in relation to matters (a) and (b) unreasonable behaviour is not decisively demonstrated.

### **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. Accordingly, the application for costs fails.

*William Cooper*

INSPECTOR