



Costs Decision

Site visit made on 21 June 2021

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2021

Costs application in relation to Appeal Ref: APP/Y0435/W/21/3270231 Land adjacent to Main Rd and Cranfield Rd, Astwood MK16 9JU

- 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 Astrum Construction for a full award of costs against Milton Keynes Council.
 - The appeal was against the refusal of planning permission for the erection of five dwellings (Resubmission of 20/00887/FUL).
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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 that the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Awards can be based on either procedural or substantive matters.
3. It is the appellant's case that despite receiving positive pre-application advice, and a positive recommendation to the planning committee, members of the committee demonstrated unreasonable behaviour by attaching too much weight to the emerging Astwood & Hardmead Neighbourhood Plan (2020 – 2031) (NP). In addition, the appellant suggests that members acted against professional design advice in refusing planning permission on matters which relate to character and appearance.
4. Members are not obliged to agree with officer advice. However, where they do, refusal reasons have to be suitably substantiated. The NP remains in an unmade state, however, it is not unreasonable to rely on emerging policy when making a decision on a planning application. This is a common scenario and one that is acknowledged within the National Planning Policy Framework. Within my decision, I acknowledge that the NP is at a fairly advanced stage and that moderate weight can be given to its requirements. However, in my judgement, the Council's case fails due to inappropriate interpretation of the policy, rather than reliance on the policy itself. Despite this, the Council have presented a case in support of the decision made and consequently, on this basis, I am satisfied that they have suitably articulated their position.
5. In the same manner, the Council have also substantiated their case regarding the effect on character and appearance. Although I have found against their concerns, their position is well articulated and proportionate to the matter at

hand. Accordingly, on the issues raised by the appellant, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. An award of costs is therefore not justified.

Martin Chandler

INSPECTOR