
Costs Decision

Site visit made on 16 August 2021

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 September 2021

Costs application in relation to Appeal Ref: APP/J0405/W/21/3273640 Garage Site, Overn Crescent, Buckingham MK18 1LZ

- 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 Ms Alex Monro on behalf of Vale of Aylesbury Housing Trust for a full award of costs against Buckinghamshire Council - North Area (Aylesbury).
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for the erection of 4no. dwellings and associated parking, on the former garage site at Overn Crescent.
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Decision

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

Reasons

2. Planning Practice Guidance advises that, irrespective of the outcome of an 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. It has been alleged that the Council behaved unreasonably by taking excessive time to raise objections regarding loss of outlook and privacy for neighbouring occupiers, by not dealing with the planning application in a timely manner and by failing to acknowledge the effects of comprehensive redevelopment to the south of the site as well as the limited contribution offered by the existing site to the setting of a listed building.
4. It must first be noted that costs can only be awarded in relation to unnecessary expense generated at appeal stage. As reflected in its putative reasons for refusing planning permission, the Council did not (at appeal stage) seek to rely upon outlook or privacy-based objections.
5. As regards the timeliness of the Council's handling of the planning application, it is apparent that a long period of time passed between the planning application's validation and the appeal's submission. This timeframe sits uncomfortably alongside a requirement for, as indicated in the National Planning Policy Framework (July 2021), local planning authorities to approach decision-making in a positive and creative way.
6. Nevertheless, at least some of the delay was necessitated by the submission of additional information that required further consultation. Furthermore, the Council has been able to set out clear reasons why permission would have been refused had it been in a position to determine the planning application within

either the originally prescribed or later extended time period for determination. Importantly, development was not delayed that should clearly have been permitted.

7. As will be seen from my decision upon the planning appeal, the Council was justified in maintaining heritage-based objections to the scheme. It is not the case that the Council failed to acknowledge developments to the south of the site. Indeed, the Council's Heritage Officer referred to such developments in a consultation response dated 6 April 2020. The evidence before me also indicates that the site's current makeup was factored into the Council's deliberations, and that the content of a submitted Heritage Statement (March 2019) was given due consideration.
8. For the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. Thus, having had regard to all matters raised, an award of costs is not justified.

Andrew Smith

INSPECTOR