
Costs Decision

Site visit made on 7 December 2021

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 5th January 2022

Costs application in relation to Appeal Ref: APP/Y0435/W/21/3276692 Stockwell Lane Farm, Stockwell Lane, Wavendon, Milton Keynes MK17 8AB

- 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 Cheshire of SPC Carpentry Ltd for a full award of costs against Milton Keynes Council.
 - 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 3 dwellings and associated works following the demolition of the existing redundant farm buildings without complying with a condition attached to planning permission Ref 19/01159/FULMMA, dated 2 August 2019.
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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 where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. While there was on going correspondence between the Council and the Applicant during the course of the application, the Council did not provide the Applicant with comments from the Highway Authority until sometime after those comments had been received by the Council. In addition, the Council did not permit the submission of updated documents. However, even if the Council had provided the information from the Highway Authority in a more timely manner and accepted updated drawings, since the Applicant did not accept the suggested condition provided as part of the Appeal, it is likely that the appeal could not have been avoided in any event. As such, even if the Council did behave unreasonably during the application process, this would not have led to unnecessary expense during the appeal process.

Conclusion

4. Consequently, unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

R Sabu INSPECTOR