
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 Milton Keynes Council for a full award of costs against Mr Cheshire of SPC Carpentry Ltd.
 - 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.
-

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. The PPG goes on to say that awards against appellants may be either procedural in regard to behaviour in relation to completing the appeal process or substantive which relates to the planning merits of the appeal.
4. The evidence indicates that the Applicant was in communication with the Appellant during the application process and given the nature of the scheme, consultation with the Highway Authority was critical for the outcome of the application. As such, the Applicant requested an extension of time for two weeks, and the Appellant, in response, offered a day's extension only.
5. However, the condition eventually agreed between the Planning Officer and Highway Authority was also not accepted by the Appellant as stated during the appeal. As such, it is unlikely that, had the Appellant not submitted the appeal for non-determination, further discussions with the Council could have avoided an appeal. I acknowledge the correspondence between the case officer, Highway Authority and the Appellant. I also note that the Appellant had not engaged the Applicant's pre-application service and the Applicant's view that the scope of the appeal could have been reduced through further discussions with the Appellant. However, even if the Appellant behaved unreasonably

during the application process, there is no substantial evidence to indicate that this has resulted in wasted expense during the appeal process.

Conclusion

6. 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