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## Costs Decision

Site visit made on 13 December 2021

**by Mr S. Rennie BSc (Hons), BA (Hons), MA, MRTPI**

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

**Decision date: 27 January 2022**

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### **Costs application in relation to Appeal Ref: APP/J0405/W/21/3276467 4 Nelson Road, Dagnall, Buckinghamshire HP4 1RF**

- 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 John Thompson 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 the proposed demolition of side extension and outbuildings. Construction of two new two bedroom semi-detached properties.
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### **Decision**

1. The application for costs is refused.

### **Reasons**

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The PPG provides that Local Planning Authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, or by preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
3. The applicant has raised the issue of there not being a determination of the planning application by the Council within the statutory deadline. The Council has acknowledged this and explained reasons why this happened. I also note the lack of communication from the Council, as set out by the applicant, through the planning application process. Whilst unfortunate, the Council has set out reasons why the appeal should be dismissed in their statement, which leads me to conclude that if the planning application was determined it would have been refused. As such, even if the planning application had been determined within the statutory timeframe it is not likely to have avoided the need for the appeal and any associated costs incurred.
4. In terms of the duplicate application, this was the choice of the applicant and is separate from this appeal. I also understand there was no fee for this duplicate application.

5. Therefore, I find that there has not been unreasonable behaviour which has caused unnecessary expense in this instance and the application for costs is refused.

*Mr S Rennie*

INSPECTOR