
Costs Decision

Site visit made on 7 January 2022

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

an Inspector appointed by the Secretary of State

Decision date: 2nd February 2022

**Costs application in relation to Appeal Ref: APP/J0405/W/21/3276378
9 Rock Farm Lane, Liscombe Park Estate, Soulbury, Buckinghamshire
LU7 0JL**

- 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 Nigel Smith of BNZ Ltd for a full award of costs against Aylesbury Vale District 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 planning permission for erection of single storey detached one bedroom dwellinghouse.
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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. It adds that examples of unreasonable behaviour by local planning authorities include lack of co-operation with the other party or parties and delay in providing information or other failure to adhere to deadlines.
4. The Council failed to determine the planning application within the statutory time period. From the evidence, the Council did not engage with the Appellant apart from a phone call with a planning officer who since left the Council. Furthermore, the Council failed to inform the Applicant whether a new case officer, if any, had been allocated to the case or request an extension of time for the determination of the application. As such, while I acknowledge the resourcing issues within the Council, its lack of co-operation with the Applicant was unreasonable.
5. However, the concerns of the Council for the proposal subject of this appeal were clearly articulated in the evidence submitted as part of the appeal. Accordingly, I consider that the Council has not failed to properly evaluate the application or consider the merits of the scheme. I have found that the Council had reasonable concerns about the impact of the proposed development. The Applicant had to address those concerns in any event.

6. As such, it is possible that since the Council found the development to be unacceptable, that the appeal would have been submitted in any event. Consequently, the Council's unreasonable actions have not resulted in unnecessary expense in the appeal process.

Conclusion

7. 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