



Costs Decision

by K Winnard LL.B (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 4th March 2022

**Costs application in relation to Appeal Ref: APP/J0405/D/21/3286089
Abbey Farm Singleborough Lane Singleborough Great Horwood MK17 ORF**

- 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 and Mrs N Hanson for an award of costs against Buckinghamshire Council
 - The appeal was against the refusal of a single storey side extension.
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Decision

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

Reasons

2. The Planning Practice Guidance advises that irrespective of the outcome of the appeal, 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.
3. The appellant makes reference to the Planning Practice Guidance and the examples of behaviour which may give rise to an award of costs against a local planning authority. Unreasonable behaviour can relate to procedural matters (ie. the application process) or substantive matters (ie. issues related to the planning merits of the appeal). The crux of the applicants' case in seeking an award of costs relates to procedural matters. These include the lack of communication during the application process, the extended length of time taken to make the decision, the failure to seek additional information at a time when there was a changing policy context, and not being advised of the change of case officers.
4. The Council disputes that the applicants were not advised of the first change in case officer. However, it has not disputed that it failed to process the application within statutory timescales, the agreed extension times and in accordance with good practice generally. There is little to suggest that the Council attempted to engage with the appellants in a positive, timely and proactive manner to explain its concerns.
5. Whilst I appreciate the problems experienced by the Council in terms of capacity at a difficult time, I consider that the Council acted unreasonably in the way it considered and processed the appellants' planning application. However, this unreasonable behaviour can only result in an award of costs if unnecessary or wasted expense has occurred. Although it took some time for

the Council to make a decision there is no substantive evidence that the appellants incurred any additional expense as a result of this delay which was made on the basis of refusal of permission, albeit later than they would otherwise have done.

6. The Council did not seek any information from the appellants in relation to any functional or financial need to justify the proposal. In my view it would have been appropriate for them to do so. That said, I consider it is unlikely that the Council's decision would have been different had the Council better engaged with the appellants and sought the information. Further I have found that the Council had reasonable concerns as to the size of the proposal. As such it is likely that the appeal was not unnecessary and the costs associated with the appeal including the provision of the technical information would have still been necessary.
7. Whilst I sympathise with the appellants over the delay they suffered and the lack of request for further information, I do not find that the appellants incurred unnecessary or wasted expense as described in the PPG. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, the application for an award of costs is refused.

K Winnard

INSPECTOR