
Costs Decision

Site visit made on 10 May 2022

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

an Inspector appointed by the Secretary of State

Decision date: 6th June 2022

Costs application in relation to Appeal Ref: APP/J0405/W/21/3283916 Land adjacent to Pine Hill HP17 8UW

- 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 Robert Paterson 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 described as, 'outline planning application for the erection of single dwelling dealing with access, layout and scale'.
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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 planning application was submitted to the Council in January 2019. The statutory timescales for the determination of the application were not met. From the evidence, the Council experienced delays during the Covid-19 pandemic and an extension of time to determine the application was agreed between the parties for April 2021. However, despite an offer by the Applicant of another extension of time, this was not agreed by the Council and the application remained undetermined. In my view this amounts to unreasonable behaviour.
5. The Council's appeal statement of case clearly articulates the concerns of the Council. As such, the Council had 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 and that of third parties 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