



Costs Decision

Site visit made on 23 November 2022

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2022

Costs application in relation to Appeal Ref: APP/Y0435/D/22/3305877 6 Fortescue Drive, Shenley Church End, Milton Keynes MK5 6BJ

- 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 Tasso for a full award of costs against Milton Keynes Council.
 - The appeal was against the refusal of planning permission for the erection of a front and 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 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 claims that the appeal application addressed the previous reason for refusal (Ref 21/02642/FUL), inconsistent decision making has occurred by the Council because of what was permitted at 10 Fortescue Drive and the development plan policies were not applied correctly to the assessment of the scheme. Further, the time taken to determine the application was excessive and has caused an increase in building costs albeit such costs are not associated with the appeal process itself.
4. The Council has not responded to the appellant's application for costs.
5. As identified in the Appeal Decision letter, the proposed development has been assessed on its own planning circumstances against the relevant policy of Plan:MK. As identified in the Decision letter, there was sufficient conflict with the relevant development plan policy to justify the Council's decision to refuse the appeal application.
6. Full details have not been provided by the appellant about the previous scheme refused by the Council. Further, no detailed planning circumstances of the extension at No. 10 to determine were provided to assess whether an inconsistent approach to decision making had been taken by the Council.
7. For the assessment of the award of costs it is the consideration of the appeal scheme, rather than a previous application, which is required. The application form is dated 7 June 2022 and the decision notice was issued on 2 August 2022 which reflects the normal determination period for an application. This

timescale, when taken together with the reason for refusal, does not amount to the Council preventing or delaying a proposal which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated and that a full award of costs is not justified.

D J Barnes

Inspector