



Costs Decision

Site visit made on 14 February 2023

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2023

Costs application in relation to Appeal Ref: APP/Y0435/W/22/3305513 38 Queensbury Lane, Monkston Park, Milton Keynes MK10 9PQ

- 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 Abdulaziz Alshaikh for a full award of costs against Milton Keynes Council.
 - The appeal was against the refusal of planning permission for the erection of a three storey dwelling plus basement & Light-well.
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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's claim for costs relies on whether the Council has: gone against pre-application advice previously given; that appeal comments and amendments to the design were not considered properly; that the Council has misled the applicant during consideration of the planning application by suggesting the application would be acceptable and heard at committee; inconsistencies in the Council's decision making and whether national and local policy has been applied correctly.
4. A formal request for pre-application advice was made to the Council before submission of the application. I have seen the details that were submitted and a copy of the advice which does suggest some support for the scheme. Informal advice given before an application is however given without prejudice and cannot bind the outcome of a subsequent application, which must take account of all relevant factors.
5. In this case, I note from the advice that the proposal has changed, in particular the rear elevation has a much more expansive amount of glazing and also the internal layout has changed from showing a guest lounge on the 1st floor and piano lounge on the 2nd floor to bedrooms on the current proposal. These matters have contributed to the assessment of the living conditions for future and neighbouring occupiers. Furthermore, only 2 parking spaces were shown and no consultation was made with the Council's Highway Officer.
6. The Framework advised that Local Planning Authorities work proactively with applicants and in this regard the Council sought amendments during the

consideration of the scheme. These included minor changes to rear windows, site layout and an existing Great Crested Newt licence. Whilst I appreciate this may have resulted in some further costs for the appellant, these were required to overcome some of the Council's concerns. The request of amendments might have been encouraging to the appellant; however, it should not be taken that this means that the overall scheme is acceptable, and the Council were therefore not unreasonable in coming to their decision based on all of the merits.

7. The appellant raises concern that an extension of time was agreed to provide information for a planning control committee meeting. I do not have any evidence in front of me in relation to the circumstances of this request or what information was required. However, whilst I acknowledge the appellants frustration to subsequently find out that the application would not be heard at committee meeting, the Council were not unreasonable in following their scheme of delegation in reaching their decision.
8. The site has been subject to a previous appeal decision¹ which was subsequently dismissed. The appellant contends that changes have been made compared to the dismissed scheme however the Council have not considered them properly. The scheme has changed since the previous appeal was dismissed and the appellant has sought to address this by making changes to the scheme and it is clear from the Council in its officer's report that the implications of the previous appeal have been considered and taken into account in the consideration.
9. The reasons for the refusal set out in the decision notice are complete, precise, specific, and relevant to the application. It also clearly states the policies from Plan:MK 2016 – 2031 adopted March 2019 that the proposal would conflict with. The reasons have been adequately substantiated and assessed against the Framework by the Council in its officer report where it is demonstrated that the proposal would harm the living conditions of future and neighbouring occupiers as well as cause harm to highway safety.
10. Whilst I appreciate that the outcome of the application will have been a disappointment to the appellant, the Local Planning Authority were not unreasonable in coming to that decision, and indeed following consideration of the application on its merits alone, I have concurred with the Council.
11. In relation to the Council's inconsistent decision making, no information has been provided about these decisions. In any case, each case must be considered on its own merits.
12. In view of the above, I 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 costs is refused.

D Wilson

INSPECTOR

¹ Appeal Decision APP/Y0435/W/20/3255213