



Costs Decision

Site visit made on 20 April 2023

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 June 2023

Costs application in relation to Appeal Ref: APP/J0405/W/22/3307268 The Retreat, Buckingham Road, Little Horwood, Milton Keynes MK17 0PX

- 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 Ms Tania McIntosh of Savvy Storage for a full award of costs against Buckinghamshire Council - North Area (Aylesbury).
 - The appeal was against the refusal of planning permission for change of use to storage B8 extend existing open storage for caravan/campervans and self- storage containers (B8 use) to replace existing storage yard consented 18/00606/APP.
-

Decision

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

Reasons

2. Advice over the award of planning appeal costs is set out in the Government's Planning Practice Guidance (PPG). It states the established premise that parties to an appeal normally meet their own costs. However, where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be liable to an award of costs. Unreasonable behaviour in this context may be procedural, relating to the appeal process, or substantive, relating to issues arising from the merits of the appeal.
3. This costs application is based on the substantive grounds that the Council's Landscape Officer should have been consulted to provide expert advice on the landscape impact of the proposed scheme, and the Planning Officer should have visited the site to understand the proposed scheme in accordance with the description of the development and familiarise themselves with the existing site. It has also been argued that the Council has been inconsistent in its decision-making, failing to take into account previous decisions as material considerations and providing a clear explanation as to why they detracted from previous decisions.
4. The Council has correctly identified that there is no requirement for a Landscape Officer to be consulted on planning applications. Any advice provided would be just that, advice, which the Council is not obligated to follow. Whilst, I have found the proposed scheme would be visually acceptable, the Council's planning officer was entitled to reach a different conclusion and their concerns are clearly set out against the relevant development plan policies within the Officer report. Additionally, as each planning application is considered on its own merits, had the Landscape Officer been consulted, it may still have resulted in an objection.

5. I accept that had the Council's planning officer attended the site, this would have allowed the Applicant to demonstrate how the site operates and the physical characteristics of the surrounding area. However, having regard to the evidence provided to me, it is clear within the Council's Officer report that a thorough understanding of what was being sought was understood. As shown in the accompanying appeal decision, a site meeting would not have overcome the reasons for refusal. Additionally, based on the Council's officer report, the Council's amended description did not seek to amend the development sought for or alter the Council's understanding of the proposed development.
6. Based on the information provided, I am satisfied that the Council's decision to refuse the application included a thorough understanding of the planning history of the surrounding sites. Additionally, I acknowledge that previous schemes of a similar use have been granted by the Council. However, these would have given rise to their own individual assessment against the relevant policies of the development plan, which I note included an assessment against a previous development plan. As such, there is no evidence before me to suggest a consistent approach has not been taken. Moreover, I find the merits of other nearby permissions granted by the Council simply resulted in a different outcome, as is the case with this appeal scheme.
7. It is regrettable that a high volume of planning applications coinciding with vacancies within the Council's planning department resulted in a delay in the determination of the application. However, the Council highlighted the reasons for the delay accordingly. Nevertheless, had these delays not occurred it would not have resulted in the Council being in a position to approve the scheme for the reasons set out in the appeal Decision. It follows, therefore, that I cannot agree that the Council has acted unreasonably in this case. As such, there can be no question that the Applicant was put to unnecessary or wasted expense.

Conclusion

8. I am satisfied that the Council applied a reasonable degree of balancing in reaching the decision that led to the appeal, including consideration of the development plan in place at the time, the National Planning Policy Framework and relevant planning history. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. For the reasons given, I conclude that the application for costs is refused.

A Hickey

INSPECTOR