
Costs Decision

Site visit made on 8 December 2023

by Jonathan Bore MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2023

Costs application in relation to Appeal Ref: APP/J0405/W/22/3299934 Land to the east of New Road, Weston Turville, Aylesbury HP22

- 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 Careys New Homes for a full award of costs against Buckinghamshire Council.
 - The appeal was against a failure to give notice within the prescribed period of a decision on an application for a development of 11 dwellings, including 3 affordable dwellings, with associated access, landscaping and BNG enhancement.
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Decision

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

Reasons

2. Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only 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. In this case, the applicant seeks a full award of costs on the basis that the Council acted unreasonably in failing to provide any substantive reason why the application was not determined, and that if the planning authority had worked proactively and engaged with the applicant, the appeal would not have been necessary.
4. The application was not dealt with within the statutory period, for which the deadline was 30 November 2021; the Council puts this down to a high number of cases and vacant positions. Indeed, the applicant had to press for some engagement from the Council. However, in an email on 27 January 2022, the Council explained its concerns regarding the amount of development on the site and stated that refusal was likely. A virtual meeting with the Council in February expanded on these concerns and indicated that they would not be overcome without a change in the description of development. A further meeting took place in April.
5. Having formed a view by the end of January 2022 that the scheme should be refused, it is not clear why the Council had not come to a formal decision by the time the appeal was submitted in May of that year. Nevertheless, it had made its objections clear to the applicant in January, February and April 2022, and had provided sufficient information for the applicant to decide how to

proceed. In the event, the applicant chose to submit an appeal in the knowledge that the scheme was unacceptable to the Council. This was its choice. I consider that the applicant was not disadvantaged.

6. This was a straightforward planning dispute in which, as the accompanying appeal decision explains, certain of the Council's concerns were valid and refusal was justified. The appellant did not therefore incur unnecessary expense in taking the scheme to appeal. Having regard to the Planning Practice Guidance, an award of costs is not justified.

Jonathan Bore

INSPECTOR