



Costs Decision (2)

Inquiry opened on 18 March 2025

by **Paul Griffiths BSc(Hons) BArch IHBC**

an Inspector appointed by the Secretary of State

Decision date: 8th July 2025

Costs application in relation to Appeal Ref: APP/Y0435/W/24/3350378

The Point, 602 Midsummer Boulevard, Milton Keynes MK9 3NB

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Milton Keynes Council for a partial award of costs against GHL (Milton Keynes) Ltd.
 - The Inquiry was in connection with an appeal against the refusal of planning permission for what was described as: the demolition of all existing vacant entertainment complex buildings and redevelopment to provide flexible Class E leisure/retail uses (upper and lower ground level), up to 487 apartments (Build to Rent, private and affordable) over the upper floors (up to 21 storeys with a floor to floor height of 3m plus a crown structure), re-cladding of the existing car park with Class E/F.2/sui generis leisure uses (bar, outdoor sports and cinema) at rooftop level, landscaped public realm, amenity space, cycle parking and associated access and servicing provision.
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Decision

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

The Submissions for the Council

2. These were made in writing at the Inquiry. Final comments on the appellant's response to the application for costs were received in writing after the Inquiry closed.

The response by the appellant

3. This was made in writing after the Inquiry closed¹.

Reasons

4. The Planning Practice Guidance (PPG) tells us that parties in appeals and other planning proceedings normally meet their own expenses but where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeals process, they may be subject to an award of costs. Such unreasonable behaviour might be procedural, relating to the appeal process, or it might be substantive, relating to the issues arising from the merits of the case presented.
5. We are told that costs may be awarded against an appellant for introducing fresh and substantial evidence at a late stage necessitating an adjournment, or extra expense for preparatory work that would not otherwise have arisen; or not completing a timely Statement of Common Ground or not agreeing factual matters common to witnesses of both principal parties.

¹ The application responses and final comments can be found at ID9

6. In essence, the Council suggests that the appellant has submitted appeal material, in particular proofs of evidence and rebuttals, of grossly excessive length and scale, meaning that considerable time has been spent on matters that were (and still are) agreed.
7. I can understand the basis of the Council's concern but at the same time, in the absence of any agreement at a sufficiently early stage of the appeal process, the appellant had to address the Council's reasons for refusal in full. I do not see that they had much alternative other than to protect their position in that way. As such, the amount of material produced, while extensive, was relevant, and while agreement on some matters was eventually arrived at, this material was not without its purpose.

Conclusion

8. On that basis, unreasonable behaviour that has directly caused another party to incur unnecessary or wasted expense in the appeals process has not been demonstrated. As such, the application for an award of partial costs is refused.

Paul Griffiths
INSPECTOR