



Costs Decision

Site visit made on 15 May 2025

by **O Tresise MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 July 2025

Costs application in relation to Appeal Ref: APP/Y0435/D/25/3363991

6 South Street, Castlethorpe, Milton Keynes MK19 7EL

- 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 Peter Clarke for a full award of costs against Milton Keynes Council. The appeal was against the refusal of the Council to grant planning permission for the installation of ground mounted solar panels.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) 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 expense in the appeal process. It only relates to costs incurred during and directly associated with the appeal process and would not, for example, cover the original planning application fee or indirect consequential losses owing to delay. The PPG sets out examples of behaviour where a local planning authority may be at risk of an award of costs, none of which are specifically cited by the applicant.
3. The applicant claims the Council was unreasonable to refuse the planning application owing to an absence of drainage information when this was not a requirement of planning policy or made mandatory by the Council's local validation list. Moreover, he asserts such details could have been requested during the planning application process.
4. In this case, the Council's delegated report considered the proposal against relevant development plan policies, national policy and other material considerations. The Council had regard to the site context, the topography of the site and the surrounding area, including its siting in relation to the adjacent railway lines. Due to the limited drainage details provided with the proposal, the Council outlined their concerns and identified conflicts against the development plan. Ultimately, this was a question of judgement, and I am satisfied that the Council gave a reasoned assessment for their decision.
5. The applicant indicates that the additional information provided with the appeal could have been provided if requested. However, it is the applicant's responsibility to justify their own application and, ideally, provide a comprehensive and detailed document in support of it. Whilst it may have been helpful for the Council to have pursued this with the applicant, it is not shown that the Council were obliged to do so prior to making their formal decision.

6. Accordingly, it is not shown that the Council acted unreasonably within the meaning of the PPG. It follows that the applicant was not put to unnecessary or wasted expense in pursuing the matter at appeal.

Conclusion

7. For the above reasons, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated. Therefore, the application for an award of costs is refused.

O Tresa

INSPECTOR