
Costs Decision

Site visit made on 16 September 2025

by Janine Laver BA (Hons) MSc PGDL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 October 2025

Costs application in relation to Appeal Ref: APP/Y0435/W/25/3368974

Land to the rear of 1 High Street, Woburn Sands, Milton Keynes MK17 8RQ

- 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 Woburn (ECO) Ltd for a full award of costs against Milton Keynes Council.
 - The appeal was against the refusal of planning permission for demolition of existing building and erection of a dwelling.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) 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. Unreasonable behaviour on the part of a local planning authority may include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; making vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; and/or not determining similar cases in a consistent manner.
4. The applicant contends that the Council should have allowed the planning application because its assessment of the harms to future occupants from poor outlook and loss of privacy was contradictory and illogical and because it did not determine the application in a consistent manner.
5. Ultimately, the decision in this case called for a judgement to be made as to the level of harm on future occupants. In matters of judgement pertaining to the qualitative aspects of the proposal, it is rarely the case that there can be only one plausible judgement. Nonetheless, I am satisfied that it was neither contradictory nor illogical for the Council to find that the proposed dwelling, with only one eye level window to a courtyard with built form in close proximity on all sides, would have poor outlook and also be overlooked from other residents who shared the courtyard space.
6. While the Council has not responded directly to the application for costs, its appeal statement did address the points raised by the applicant and further substantiated its reasons for refusal. I have found that the Council had reasonable concerns

about the impact on future occupants which justified the refusal and therefore no unreasonable behaviour on this point.

7. The Council's statement also went on to distinguish an application (Milton Keynes Council Ref. 23/02894/FUL) which was permitted for a 1-bedroom first floor flat overlooking a service yard, which the applicant has referred to as similar to the appeal proposal and thus evidence of inconsistency of decision making. The specific details of that application were provided in Appendix 3 of the applicant's statement of case but since it was a first-floor development, it does not have the same site context as the appeal. The Council's appeal statement also clarified that the first floor flat had no built form restricting outlook from its primary windows. I am therefore satisfied that application 23/02894/FUL was not comparable to the appeal proposal, and I am not persuaded that it has been shown that the Council has failed to determine similar cases in a consistent manner.

Conclusion

8. In view of the above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, an award of costs is not justified against the Council. Consequently, the application for an award of costs is refused.

Janine Laver

INSPECTOR