



Costs Decision

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 November 2025

Costs application in relation to Appeal Ref: APP/Y0435/X/24/3338392

190 Hainault Avenue, Giffard Park, Milton Keynes MK14 5HT

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr D Riches for a full award of costs against Milton Keynes Council.
 - The appeal was against the refusal of an LDC for use of the building for groups of people (not more than six persons) living together as a single household where no care is provided to residents.
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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. The existing use of the appeal dwelling is a Class C3(a) use and the use for which an LDC is sought is Class C3(c) use. Under the provisions of Section 55(2) of the 1990 Act the change of use from Class C3(a) to Class C3(c) would not involve development and would thus be lawful. Obtaining an LDC to confirm this lawful change of use is unnecessary and serves no purpose. The Appellant did not provide any information to demonstrate that the proposed use of the dwelling would be a Class C3(c) use and the PPG requires "...an application to describe precisely what is being applied for (not simply the use class)...". It was perfectly reasonable, given this clear requirement, for the Council to refuse the application. The Council has not acted unreasonably either at application stage or during the appeal process and the Appellant has not therefore incurred wasted expense. The application for an award of costs thus fails.

John Braithwaite

Inspector