
Costs Decision

Site visit made on 11 February 2026

by **D Wilson BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 March 2026

Costs application in relation to Appeal Ref: APP/Y0435/W/25/3376393

Lodge Farm, Lower End Road, Wavendon, Milton Keynes MK17 8AJ

- 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 Carl Porter and Charlotte Walters for a full award of costs against Milton Keynes Council.
 - The appeal was against the refusal of planning permission for demolition of existing buildings and replacement with 2 self build dwellings with parking and landscaping.
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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 appellant's claim for costs relies on that the Council submitted an incomplete statement of case, new evidence during the appeal process, inconsistent decision making, made errors in submitted documents, did not notify third parties with the deadline for making representations and failed to engage with the appellant positively and proactively.
4. The Council was unable to keep to the appeal timetable and required an extension of time, which also resulted in late information being submitted. The Council omitted the heritage statement; however, the substantive details were summarised by the Council in their evidence, and the report did not introduce new information beyond this. This resulted in delays to the appeal timetable, however, the appellant was allowed time to respond to these details and as such while the timescale was not kept to, this has not resulted in any additional expense.
5. The Council did not seek a unilateral undertaking during the consideration of the application, however, it is clear that their concerns were beyond this and as such, they were not unreasonable to delay the determination of the application. I note that the Council have previously imposed planning conditions to secure self build dwellings, however, the Council state their guidance has changed and they have been influenced by recent appeal decisions that discourage the use of conditions to secure self build. In any case, it was the appellant's choice to submit the unilateral undertaking to support their scheme and secure the proposed dwellings as self build rather than suggest a condition and as such, this is not an additional expense.

6. The Council's appeal documents contain a number of errors and while these are unhelpful, they are not significant enough to have resulted in an unreasonable additional amount of expense beyond responding to documents during the course of an appeal.
7. The Council did not notify third parties with the deadline for making representations on the appeal, however, no additional consultation has been required with third parties and as such there has been no delay or additional expense in this regard.
8. The Council raised concern over pedestrian connectivity during the consideration of the application which prompted the submission of amended plans which the Council chose not to accept. While unhelpful to the appellant the Council are not obliged to accept additional information, furthermore, while it may have addressed one of the reasons for refusal, the Council still had other concerns that would not have been resolved through accepting these amended plans and delaying the applications determination.
9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

D Wilson

INSPECTOR