



Costs Decision

Site visit made on 24 June 2026

by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th July 2026

Costs application in relation to Appeal Ref: APP/Y0435/C/24/3345661

8 Tippet Close, Browns Wood, MILTON KEYNES, MK7 8EJ

- 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 Milton Keynes Council for a full award of costs against Mr J Skackauskas.
 - The appeal was against the refusal of the Council to grant a certificate of lawful use or development for the erection of a rear, single storey, extension, loft conversion with rear dormer and rooflights, construction of outbuilding and replacement windows on front elevation.
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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 respective cases were submitted in writing and the details will be familiar to the parties. Consequently, the following is a summary of the main points.

The Council's Application

4. In line with Article 39(2)(b) of Part 8 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 an application for a Certificate of Lawful Use or Development should be accompanied by such evidence verifying the information in the application as the applicant can provide. The applicant is responsible for providing sufficient information to support an application and needs to describe the proposal with sufficient clarity to enable the Local Planning Authority (LPA) to understand exactly what is involved.
5. It is therefore realistic to expect an application for a lawful development certificate to include details of the proposal that allow for assessment against the specific conditions and criteria detailed under the relevant Class. The proposed materials are specifically limited by conditions A.3(a) and B.2(a) for Classes A and B of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 respectively. Similarly, the assessment for the canopy under class E cannot be permitted under E.1(h) if it results in a veranda for the proposed outbuilding.

6. The appellant's continued insistence that the LPA should have requested additional information is not in accordance with the regulations. The suggestion that the LPA has endorsed the materials is not true.
7. The appellant has also confirmed that the dormer and extension are being constructed in accordance with plans submitted with the householder planning application. However, those plans are different to the plans submitted with the CLOPUD application in a number of ways. The Inspector has not accepted those amended plans can be considered as part of the CLOPUD appeal.
8. It is the view of the LPA that if the CLOPUD appeal were upheld then any certificate would be obsolete because the plans do not reflect what has been constructed. The appeal was flawed and never had a chance of success. Consequently, the appellant's behaviour has been unreasonable and a full award of costs is justified.

The Response of Mr Skackauskas

9. The LPA persists in applying for costs as a punitive measure against the appellant. The LPA could easily have requested further information or sought to clarify matters during the determination of the application and has persisted in narrow and inflexible interpretations of PD guidance.
10. The appellant has built the dormer to PD limits but has been criticised for minor details in the variation of external finish. The appellant disputes the LPA's interpretation of similar materials, window sizes and whether a veranda would be included in the canopy.
11. The protracted nature of the build included variations which the plans may not have caught up with initially but the changes are not substantial.
12. Overall, the appellant disputes that any unreasonable behaviour has occurred and the costs application demonstrates the almost vindictive stance of the LPA in refusing various applications.

Conclusions

13. As noted by the Council, the responsibility lies with an applicant to submit sufficient detail to enable a proposal to be understood and assessed. In this case, scaled drawings were submitted which included annotations relating to the proposed materials such that the nature of the proposal was readily apparent. Thus, it is not a case where there was an obvious lack of detail.
14. There were some areas where a lack of clarity was apparent, for example the colour of the proposed window frames and the lack of detail surrounding the canopy to the outbuilding and whether it would have contained a veranda. However, that was not evidence of unreasonable behaviour, it was probably more a case that the appellant didn't quite understand the level of detail required.
15. The Council was entitled to reach a conclusion on the information submitted with no obligation to go back and seek clarification. However, it would not have been wrong for it to do so, given the minor nature of the matters upon which further clarification was needed. Consequently, there was no unreasonable behaviour in the way the application was submitted.

16. The plans submitted formed the basis of the Council's decision, as should always be the case in a CLOPUD application. However, the work on site progressed and was constructed to a slightly different specification. That does not mean that the CLOPUD application was obsolete, as suggested by the Council. Had I granted a CLOPUD all that would have done was confirm that the details submitted with the application would have been lawful if commenced on the date of the application.
17. It would not have confirmed that what had actually been constructed was lawful. The appellant may not quite have understood that point but that is not unusual or unreasonable given the complexities of the legislation and it doesn't mean that it was unreasonable for him to seek a decision on the application. Whether he needed to or should have made another application in respect of what had actually occurred on site is neither here nor there in terms of whether the CLOPUD appeal was unreasonably submitted.
18. As for the merits of the application itself, the GPDO is a well-known battleground of interpretation of various clauses and conditions. The appellant was a householder, albeit supported by an architect, and it is perhaps unsurprising that the rigidity of the way in which the GPDO is interpreted was not fully appreciated. Whilst the LPA were accused of being inflexible that is because the GPDO itself is inflexible. There is little room for manoeuvre when assessing whether a proposal meets various limitations and conditions.
19. In that context, the debate about whether materials were of similar appearance or the windows were of a similar shape and size was a normal debate as often occurs in such appeals.
20. Overall, I find that there was no unreasonable behaviour and no wasted expense. It follows that there is no basis for an award of costs and I shall refuse the application.

Chris Preston

INSPECTOR