
Costs Decision

Site visit made on 20 June 2017

by Julia Gregory BSc (Hons), BTP, MRTPI, MCMI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 July 2017

Costs application in relation to Appeal Ref: APP/K0235/W/17/3172957 6 Bourne End Lane, Bletsoe, MK44 1QP

- 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 Hayes for a full award of costs against Bedford Borough Council.
 - The appeal was against the refusal of planning permission for the erection of a single dwellinghouse and associated works.
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Decision

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

Reasons

2. The Planning Practice Guidance 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 costs application and the Council's response were submitted in writing and so I shall not repeat them in any detail.
4. The appellant is aggrieved that planning permission was refused after trying to overcome design objections. Furthermore, the appellant is aggrieved that the Council did not consider the site previously developed wherein there would be a presumption in favour of sustainable development. The Council failed to consider the sites sustainability and relied on out of date policies. The Council made vague assertions about the developments impact.
5. The Council on the other hand believes that the relevant policies are not out of date and have provided appeal decisions to back up their stance. They do not agree that the land is previously developed. Furthermore they have provided a justification for granting planning permission for an exception site for housing nearby.
6. The appellant's cost's case rests on the planning arguments made in the statement of case. I have addressed the planning considerations in the appeal decision. Whilst I have accepted that some of the development plan policy provisions are out of date, and also that the land is previously developed, that has not led me to allow the appeal. Having considered all the material considerations, since I have dismissed the appeal, it follows therefore that the appeal was not unjustified.

7. Whilst I acknowledge the frustration of poorly expressed planning arguments, with a lack of attention to the fine details of policies, I consider that the Council was right to refuse planning permission. Whilst the Council should have addressed the points made by the appellant better in its decision making, I have no reason to conclude that would have led to planning permission being granted and avoided the necessity of the planning appeal.
8. The Council has given an explanation for the site at Sharnbrook as an exception site with enabling development. Whether or not an area is built-up has consequences for the determination of whether land is previously developed. That is a matter on which I disagree with the Council, but that does not make their actions unreasonable. Whilst there is a broad brush approach as far as cumulative impact on rural character is concerned I have agreed with the Council about the effect on the rural character and appearance of an area.
9. In conclusion, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Julia Gregory

Inspector