



Costs Decision

Site visit made on 16 May 2019

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 18 July 2019

Costs application in relation to Appeal Ref: APP/P0240/W/19/3223262 Land adjacent to Meadow View, Flitton Road, Pulloxhill, MK45 5HW

- 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 T Bowers for a full award of costs against Central Bedfordshire Council.
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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. I agree with the applicant for costs that the Council in this case did not adequately consider whether one of their policies was consistent with the National Planning Policy Framework. That was not however decisive and I have dismissed the appeal.
4. I note the applicant's case that the Council have not given sufficient consideration to the scale and design of the adjacent dwellings. However, those other developments do not set a 'precedent' for the appeal site. It is clear to me that the application was determined on its own merits.
5. The Council were entitled to reach the views they did in relation to the character of the site and its surroundings, as well as the appearance of the proposals. These are matters of judgement that were undertaken in a rational manner. The lack of balancing exercise given the implications for one of the policies was not determinative in this case.
6. Despite the deficiencies, the case turned on matters of judgement and the appeal could not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposed development, which justified its decision.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Sian Griffiths

INSPECTOR