



Costs Decision

Site visit made on 3 April 2019

by E. Brownless, BA (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 18th July 2019

Costs application in relation to Appeal Ref: APP/K0235/W/18/3205617 Slaters Arms, 97 Box End Road, Kempston, MK43 8RS

- 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 J Kotecha for a full award of costs against Bedford Borough Council.
 - The appeal was against the refusal of planning permission described as 'erection of a single dwelling with associated parking and ancillary works. Alterations to existing parking arrangements for public house'.
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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 Council's statement of case makes no reference to the viability issues concerning the Public House (PH). However, I am mindful that the officer's report provides an evaluation of the points the Council takes issue with. In addition, the appellant was advised by the Council that a planning obligation, or in the absence of such, heads of terms would need to detail the mechanism to secure the investment of the capital contribution into the PH.
4. Albeit a unilateral undertaking was provided in support of the appellant's case, this was provided at a late stage in the appeal proceedings and was not evidence to which the Council were able to have any regard to in their decision-making process, nor in their subsequent statement of case which was received prior to the planning obligation.
5. Whilst I appreciate that the outcome of the application will have been a disappointment to the appellant, the Council were not unreasonable in coming to that decision. Indeed, following consideration of the application on its merits alone, I have concurred with the Council on the ground relating to the settlement strategy and the accessibility of services and facilities.
6. Whilst I have found no harm regarding the character and appearance of the countryside, it was entirely appropriate for the Council to give consideration to this matter given that the proposed dwelling would be sited towards the rear of the appeal site in close proximity to open countryside beyond its rear boundary. Albeit the Council's analysis of the harm arising is short, I am mindful that the application is in outline form with matters such as scale and

design reserved for later determination. It therefore follows that a detailed consideration of the harm is not possible and thus given that the proposal will introduce built form where there is presently very little, I do not find that the Council were unreasonable in reaching their conclusion that there would be an urbanising effect.

7. The appellant has drawn my attention to a number of other developments within the locality where it is suggested that the Council has set a precedent by relying on policies within the emerging local plan as a reason for allowing such development. However, there is little substantive evidence before me relating to the particular circumstances of those developments and as such, I am unable to consider whether the circumstances are therefore directly comparable to the appeal proposal and whether, if such circumstances do exist, this amounts to unreasonable behaviour on the Council's part.
8. Therefore, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. An award of costs is therefore not justified.

E Brownless

INSPECTOR