
Costs Decision

Site visit made on 5 February 2020

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th March 2020

Costs application in relation to Appeal Ref: APP/P0240/W/19/3242337 Land at Chalton Stables, Blunham Road, Moggerhanger MK44 3RA

- 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 White for a full award of costs against Central Bedfordshire Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for the erection of a detached 'barn-style conversion' dwelling and detached double garage.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably.
3. Paragraph 032¹ of the PPG states that an application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense, which could be the expense of the entire appeal.
4. The applicant is seeking costs for the preparation and filing of the appeal. I note there was various correspondence with the Council. This involved discussing and advising on elements of the design of the scheme and extending the time for the determination of the application to amend the scheme. However, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme. Therefore, it was not the case that the appeal could have been avoided.
5. I note the applicant states that the Council has not fully considered all the arguments put forward by the applicant. However, the scheme had changed from the indicative plans in the previous scheme approved on appeal. From the evidence before me, the Council acted in a reasonable way to raise concerns it had about the impact of the proposed development, and justified its advice and decision. The Council was required to assess the application and plans as submitted and it identified that there would be harm. Whilst I have allowed the appeal, the Council was not unreasonable in its advice and decision.

¹ Reference ID: 16-032-20140306

6. For the reasons set out above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Consequently, the application for the award of costs is refused

D Peppitt

INSPECTOR