



Costs Decision

Site visit made on 7 August 2020

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2020

Costs application in relation to Appeal Ref: APP/P0240/W/20/3250302 Rose Villa Court, Potton Road, Biggleswade SG18 0EP

- 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 John Parker for a full award of costs against Central Bedfordshire Council.
 - The appeal was against the grant subject to conditions of planning permission for change of use of building from B1 (light industrial) and erection of a glass link to form a dwelling-house together with an existing dwelling (granted prior approval under 13/04031/PADO) with associated garden land. Other operational development to include the insertion of windows and doors and erection of cart shed with parking.
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Decision

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

Reasons

2. Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process. The applicant considers that planning conditions were applied by the Council that were neither reasonable or necessary and did not meet the relevant tests for imposing conditions.
3. Nevertheless, notwithstanding any of my findings with respect to the planning appeal that is now the subject of this application, the Council has produced an email, sent by the applicant's agent and dated 31 January 2020, that confirms acceptance to matters contained in a Council email that I'm led to understand set out a draft list of planning conditions that included the conditions that were subsequently disputed. Indeed, the applicant has not refuted this suggestion.
4. The applicant was thus aware of the Council's intention to impose the subsequently disputed conditions such that I cannot conclude that the Council behaved unreasonably in applying them. In any event, as will be seen from my decision upon the planning appeal, only one of the disputed conditions has been fully deleted and that was imposed by the Council in line with recommendations made to them by the Bedfordshire Fire and Rescue Service.
5. In summary, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award of costs is not justified.

Andrew Smith

INSPECTOR