
Costs Decision

Site visit made on 17 August 2020

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2020

Costs application in relation to Appeal Ref: APP/P0240/W/20/3252094 101 High Street, Ridgmont MK43 0TY

- 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 S Roberts for a partial award of costs against Central Bedfordshire Council.
 - The appeal was against the refusal of planning permission for new 3 Bed Dwelling with associated 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.
3. The applicant considers that the Council behaved unreasonably by referring, in its reasons for refusing planning permission, to the Estate row of cottages that contains the appeal property (the terrace) as a non-designated heritage asset. This, the applicant considers, occurred without adequate supporting evidence and was inconsistent with the approach the Council took in determining a similar previous development proposal at the site.
4. It is important to first note that the Council did not impose a refusal reason solely related to the proposal's alleged harm to the heritage significance of the terrace. The Council's first reason for refusing planning permission instead concurrently alleges harm to both the Ridgmont Conservation Area (the CA), a designated heritage asset, and the terrace.
5. The Council has suggested that their reference to the terrace being a non-designated heritage asset was a reasonable way of amplifying and explaining more fully its position on heritage matters. I see merit in this suggestion. Indeed, as will be seen from my decision upon the planning appeal that is the subject of this application, I found the terrace to make a historic and visually distinctive contribution to the CA and to have been correctly identified by the Council as a non-designated heritage asset in its own right.
6. Furthermore, the terrace is depicted as an 'other important building' within the Ridgmont Conservation Area Appraisal (December 1992) and the Council's Conservation Officer, in their role as an expert internal consultee, made direct

reference to the terrace being considered to constitute a non-designated heritage asset. As a final note, the Inspector with respect to the previous appeal¹¹ at the site was not tasked with coming to any definitive conclusion as to whether or not the terrace represents a non-designated heritage asset.

7. I therefore conclude that, for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. Thus, having had regard to all other matters raised, an award of costs is not justified.

Andrew Smith

INSPECTOR

¹¹ APP/P0240/W/19/3228313