
Costs Decision

Site visit made on 30 November 2020

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2020

Costs application in relation to Appeal Ref: APP/P0240/W/20/3259146 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 refusal of planning permission for the erection of two (2x) detached dwellings and two (2x) detached double garages.
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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 refusing planning permission on grounds related to the location being unacceptable for development and the scheme's effect upon the character and appearance of the area. This is because planning permissions for a residential dwelling had in recent times been granted on a site situated nearby to the east. In a character and appearance context, it has also been raised that the proposal under consideration is at outline stage.
4. When outline planning permission was granted for a dwelling on appeal¹ in February 2019, the Inspector identified conflict with the development plan and found that harm would arise from the development's failures to support a low-carbon economy and to promote walking, cycling and public transport use. The limited weight that was attached by the Inspector to that identified harm was influenced by various factors, including merely a single dwelling being under consideration at that time. No other harm was identified by the Inspector in that case to weigh in the planning balance. In this context, especially when noting that other harm in a character and appearance sense was identified, I find that the Council acted reasonably when imposing its second reason for refusing planning permission.
5. As will be seen from my decision upon the planning appeal that is the subject of this application, the nearby site to the east has differing characteristics and

¹ APP/P0240/W/18/3211614

immediate surroundings when compared to the appeal site. Notwithstanding the various detailed matters intended to be reserved for future approval, I have found that the appeal proposal would inevitably appear as a noticeable urbanising excursion into the open countryside. The Council thus acted reasonably and rationally when imposing its first reason for refusing planning permission.

6. 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