
Costs Decision

Site visit made on 4 January 2021

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2021

Costs application in relation to Appeal Ref: APP/K0235/W/20/3260056 44-46 Bunyan Road, Kempston MK42 8HL

- 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 Homelink Properties for a partial award of costs against Bedford Borough Council.
 - The appeal was against the refusal of planning permission for conversion of part of first-floor level into one (1x) one-bedroom flat and one studio flat.
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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 imposing its first reason for refusing planning permission in reference to the Technical housing standards – nationally described space standard (March 2015) (the space standards), which do not form part of the Bedford Borough Local Plan 2030 (adopted January 2020) (the Local Plan).
4. I acknowledge that the space standards have not been adopted at development plan level and, in this context, they attract limited weight. However, this is not to say that the space standards are of no relevance. Indeed, they set out Government expectations for internal space and are a material consideration that provide a useful reference point when assessing the suitability of proposals for new housing. I do not consider that it was unreasonable for the Council to have had regard to the space standards as part of its assessment of the merits of the proposal.
5. It is also of relevance to note that the Council did not solely rely upon the space standards when imposing its first reason for refusing planning permission, which alleges the creation of poor-quality living environments in broader terms than purely internal size. Indeed, conflict was correctly identified with policies contained within the Local Plan that pertain to design quality/impacts and with the National Planning Policy Framework (February 2019) in so far as it promotes health and well-being and a high standard of amenity.

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