

Costs Decision

Site visit made on 15 December 2020

by **R Sabu BA(Hons) MA BArch PgDip ARB RIBA**

Decision date: 13th January 2021

Costs application in relation to Appeal Ref: APP/P0240/W/20/3258051

1 Leedon Furlong, Leighton Buzzard LU7 3PP

- 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 Molyneaux 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 erection of 1 dwelling and with new vehicular access for existing dwelling.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Awards against a local planning authority may be either procedural, relating to the appeal process or substantive, relating to the planning merits of the appeal.
3. Paragraph 049 of the PPG states that examples of unreasonable behaviour by local planning authorities include preventing or delaying development which should clearly be permitted and failure to produce evidence to substantiate each reason for refusal on appeal.
4. While the application was not determined, the evidence indicates that the appellant was in discussion with the Council during the application process and that the Council requested an extension of time to determine the application. As such, the appellant would have been aware of the reasons for delay and the Council has not behaved unreasonably in this respect.
5. The Council set out its concerns regarding the proposal in its statement submitted as part of the appeal. The statement also clearly states the adopted policies that the proposal would be in conflict with, in the view of the Council. Accordingly, I do not consider that the Council failed to reasonably evaluate the application. I have found that the Council had reasonable concerns about the impact of the proposed development. Therefore, it is unlikely that minor amendments could have been made to the scheme that would have resulted in the grant of planning permission. On this basis, it is likely that the Council would have refused the application and the appellant would have submitted an appeal in any event.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Conclusion

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

R Sabu

INSPECTOR