

Costs Decision

Site visit made on 15 December 2020

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

an Inspector appointed by the Secretary of State

Decision date: 13th January 2021

Costs application in relation to Appeal Ref: APP/P0240/W/20/3258395 Copperfields, Dickens Lane, Tilsworth LU7 9PX

- 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 Molyneux 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 2-storey to garage block, roof extension and loft conversion to 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.
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, having regard to its accordance with the development plan, national policy and any other material considerations.
4. The application was not determined by the Council. However, from the evidence before me, it requested an extension of time and discussions with the appellant continued after the statutory determination period. As such, the Council has not behaved unreasonably in this regard.
5. I have found that the Council had reasonable concerns about the impact of the proposed development. In this case, the appellant addressed those concerns and the evidence of third parties, and given the evidence before me, I came to a different conclusion to that of the Council.
6. However, for the reasons given above, the Council did not behave unreasonably resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance. For this reason, and having regard to all other matters raised, an award for costs is not justified.

R Sabu

INSPECTOR