



Costs Decision

Site visit made on 22 June 2021

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2021

Costs application in relation to Appeal Ref: APP/P0240/W/21/3267535 The Annex, Hollybrook, The Rye, Eaton Bray LU6 2BQ

- 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 Ms Deborah McNamara for a full award of costs against Central Bedfordshire Council.
 - The appeal was against the refusal of planning permission for demolition of existing independent annex and mobile home and erection of single storey dwelling and associated works.
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Decision

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

Reasons

2. Planning Practice Guidance ('PPG') 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 or wasted expense in the appeal process.
3. The applicant's application for costs is based on the alleged unreasonable behaviour of the local planning authority ('LPA') and wasted expense, for the reasons considered below.
4. Whilst reference is made to inconsistent decision making on the part of the LPA, this appears to relate to an approval for development at a neighbouring site which is also within the Green Belt. However, I have not been provided with any clear reasons why the two sites are comparable. As such, there are no clear reasons for me to conclude that the LPA has failed to determine similar cases in a consistent manner.
5. Although the applicant refers to the local planning authority's continued failure to provide consistent advice, I have little evidence or record of this. It would also appear that the applicant has not engaged in formal pre-application discussions about the redevelopment of the appeal site. In any event, matters which are specific to previous planning applications for the appeal site are separate from the cost's application before me and therefore any specific concerns about these are for the LPA.
6. In terms of the application, which is subject of the appeal before me, the local planning authority's Planning Officer Delegated Report, provides an adequate assessment of this. Furthermore, the reasons for refusal are specific to the proposal and refer to local and national planning policy. Also, at appeal the LPA

has substantiated its reasons for refusal. Therefore, I am satisfied that the local planning authority's assessment is supported by sufficient analysis and whilst the applicant may disagree with this, this is a matter of planning judgement.

7. For the above reasons, I cannot agree that the LPA has failed to work positively and proactively with the applicant.
8. Given all of the foregoing, I conclude that unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has not been demonstrated. Therefore, a full award of costs is not justified.

M Aqbal
INSPECTOR