



Costs Decision

Site visit made on 29 September 2022

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2022

Costs application in relation to Appeal Ref: APP/K0235/W/22/3301167 29 Church Lane, Oakley, Bedford MK43 7RP

- 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 Papa for a full award of costs against Bedford Borough Council.
 - The appeal was against the refusal of planning permission for the erection of an oak framed cart shed.
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Decision

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

Reasons

2. The Planning Practice Guidance 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. The appellant claims that the Council has acted unreasonably by providing inconsistent advice based upon the differing views of Officers and did not positively engage during the assessment of the appeal application. There was delayed feedback on revised proposals and the Council also failed to understand why the alternative options proposed by the Council did not meet the needs of the appellant. Accordingly, the appellant claims the Council did not give the proposed development a fair hearing.
4. The Council's response is that a peer review was undertaken by a Senior Conservation Officer after the application was originally assessed and this Officer did come to a different conclusion for reasons explained to the appellant.
5. Although the effects of remote working associated with Covid-19 did delay the assessment of applications and no pre-application advice was originally sought, the Council response is that it did seek to engage positively with the appellant to determine whether an alternative scheme might be acceptable and allowed the submission of amended drawings. Some of the delay in the assessment of the application was, however, due to a 4 month period waiting for amended drawings to be submitted by the appellant and then the need to reconsult with statutory consultees. When it was identified that there was no suitable alternative scheme then the application was refused.
6. A difference of views between Officers can often occur. However, although it is frustrating for the appellant, this does not amount to unreasonable behaviour

because a clear justification for this difference of view was provided by the Senior Conservation Officer as part of the peer review and articulated as part of the Council's evidence for the appeal. Further, there evidence of engagement by the Council with the appellant concerning alternative proposals which would address the heritage concerns. These may not have been acceptable to the appellant for other reasons but there was feedback which was intended to address the Council's heritage concerns.

7. There is some evidence in the delay in the assessment of the application by the Council due, in part at least, to remote working. However, as has been identified by the Council, there was also a delay in the submission of updated drawings from the appellant which needed to be the subject of further consultation.
8. Accordingly, I do not consider that this is a situation where the Council prevented or delayed a development which should clearly have been permitted, having regard to its accordence with the development plan, national policy and any other material considerations. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated and that a full award of costs is not justified.

D J Barnes

INSPECTOR