



Costs Decision

Site visit made on 20 October 2022

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 November 2022

Costs application in relation to Appeal Ref: APP/P0240/D/21/3284941 31 Gravenhurst Road, Campton, Shefford SG17 5NY

- 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 D Gruncell for a full award of costs against Central Bedfordshire Council.
 - The appeal was against the refusal of the Council to grant prior approval for the enlargement of a dwellinghouse by construction of additional storey.
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Decision

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

Reasons

2. The Planning Practice Guidance ("the 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. The applicant is seeking an award of costs against the local planning authority on procedural grounds.
3. Paragraph 049 of the PPG¹ gives examples of unreasonable behaviour by local planning authorities. The applicant's grounds for costs related to an alleged procedural error in how the General Permitted Development Order 2015 (as amended) (GPDO) was interpreted under Article 3, Schedule 2, Part 1, Class AA.
4. The CAB Housing judgment² was handed down in February 2022, after the appeal in this case had been submitted, which specifically addressed the interpretation of Part 1, Class AA of the GPDO. Both the main parties have had the opportunity to comment on its relevance.
5. CAB Housing clarifies that control of the external appearance of the dwelling house is not limited to impact on the subject property itself, but also includes impact on neighbouring premises and the locality. This supports the Council's interpretation of the GPDO in this case.
6. The case law emphasises that in determining an application for prior approval under Part 1, Class AA of the GPDO, the scope of "external appearance" and whether or not it should be taken to be wider than just the subject property

¹ 1 Paragraph: 049 Reference ID: 16-049-20140306

² CAB Housing Limited v SSLUHC & Broxbourne; Beis Noeh Limited v SSLUHC & London Borough of Haringey; Mati Rotenberg v SSLUHC & London Borough of Haringey [2022] EWHC 208 (Admin).

itself is in each instance a question for the planning judgement of the decision maker.

7. For the reasons which are set out in my main decision, I found the visual relationship of the appeal property with other dwellings on the row of which it is part, to be a relevant matter in considering the impact on the external appearance of the host building. I also broadly agreed with the Council's assessment of the impacts of the proposed development, and therefore dismissed the appeal.
8. Given this, I cannot reasonably conclude that the Council made a procedural error. The Council's approach to determining the prior approval application is supported by case law. While the householder procedure by which the appeal proceeded does not provide for the local planning authority submitting a separate appeal statement, I found that the delegated report provided a clear assessment of the proposal against the relevant requirements of the GPDO; the single reason for refusal was therefore procedurally correct. Taking these points together, I do not find that the Council's actions were unreasonable in procedural terms.

Conclusion

9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

A Hickey

INSPECTOR