

Costs Decision

Site visit made on 31 August 2022

by A. Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2022

Costs application in relation to Appeal Ref: APP/P0240/W/21/3289242 Units 3, 5 and 7 Ivel Road, Shefford SG17 5JU

- 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 Lisa Skinner for a full award of costs against Central Bedfordshire Council.
 - The appeal was against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the demolition of 2 no. existing industrial units and proposed construction of 9 no. dwellings with 26 parking bays and the regeneration of existing unit without complying with conditions attached to planning permission Ref APP/P0240/W/20/3260426, dated 10 February 2021.
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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 be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The PPG states that examples of unreasonable behaviour include failure to substantiate reasons for refusal; vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; and acting contrary to national or local policy.
4. The applicant submits that the Council has acted unreasonably in that it has gone against the advice of its professional officers without good reason and failed to substantiate the objection.
5. In this case I have noted the recommendation of the Council's officers. Nevertheless, the Council is not duty bound to follow the advice of its professional officers. The reason for the refusal is clearly set out in the decision notice, is complete, precise, specific and relevant to the application. It also clearly states the policies of the Central Bedfordshire Local Plan which the proposal is considered to conflict with. This reason, in my view, has been adequately substantiated, relating to highway safety concerns.
6. Thus, the application for costs essentially relates to a disagreement about a legitimate matter of planning judgement. Whilst it is evident from the main decision that I have disagreed with the Council's reason for refusal, the decision notice nonetheless sets out how, in the Council's view, this would

conflict with relevant adopted planning policies. I am satisfied that the Council's determination of the application and reasoning were credible and that it was entitled to reach the decision it did.

7. Accordingly, whilst I acknowledge the applicant's motivation for applying for an award of costs, I find that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated.

Conclusion

8. I conclude that the application for an award of costs should be refused.

A. Price

INSPECTOR