



Costs Decision

Site visit made on 3 May 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 14 July 2023

Costs application in relation to Appeal Ref: APP/K0235/W/22/3311978 Fairview, 7 Cleat Hill, Bedford MK41 8AL

- 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 Swales for a full award of costs against Bedford Borough Council.
 - The appeal was against the refusal of planning permission described as 'demolition of existing garage outbuilding and workshop for relocation to west boundary as shown, proposed new dwelling/bungalow with new cycle store to existing dwelling at No. 7'.
-

Decision

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

Reasons

2. The National Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party which has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The PPG states that awards may be either procedural in regard to behaviour in relation to completing the appeal process or substantive, which relates to the planning merits of the appeal. This application is both procedural and substantive.
3. The applicant's cost claim states that the Council acted unreasonably in the way that it determined the application, and that the Council did not work positively and proactively with the applicant. The applicant asserts that the Council should not have requested an extension of time in order to accept the amended drawings as there were 13 days remaining of the statutory determination period. Further, the amended drawings should not have been requested by the Council if they intended to refuse the application on grounds of principle.
4. The Council determined the application based on the amended drawings within the statutory determination period.
5. While I understand the applicant's frustrations, as there was time remaining within the statutory determination period, it was not unreasonable for the Council to seek an extension of time in line with the PPG, to allow sufficient time for the amended drawings to be considered.
6. Although there was no pre-application submission, the Council sought to negotiate with the appellant in order to provide certainty on amenity issues. Negotiations such as this are common practice and, in this instance, have allowed the number of reasons for refusal to be reduced. The evidence submitted does not indicate unreserved support by the Council.

7. The report by the Council provides an analysis of the proposal giving clear reasoning for their decision, highlighting the development plan policies relevant at the time. Although I have reached an alternative decision to the Council, the Council's case is well made and cannot be considered unreasonable.
8. Therefore, unreasonable behaviour, as described in the Planning Practice Guidance, resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

K Allen

INSPECTOR