



Costs Decision

Site visit made on 11 July 2023

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 September 2023

Costs application in relation to Appeal Ref: APP/P0240/D/23/3314857 Meppershall Airfield, Campton Road, Shefford SG17 5PB

- 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 Andrew Brankley for a full or partial award of costs against Central Bedfordshire Council.
 - The appeal was against the refusal of planning permission for the erection of a two-storey side extension.
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Decision

1. The application for a full award of costs is allowed in the terms set out below.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (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.
3. The PPG makes it clear that a local planning authority is at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal on appeal and/or makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by objective analysis.
4. The Appellant submits that the Council has acted unreasonably and is seeking a full or partial award of costs for the following reasons:
 - The Council failed to consider the development put before them;
 - Treating the proposed development as an independent dwelling led to an erroneous assessment of the case and inaccurate assertions about the proposals impact on the countryside and highway safety resulting in reasons for refusal; and
 - The Council refused permission on grounds capable of being dealt with by condition.
5. The Council's contention was that the proposed development related to an independent dwelling, not an annex to the host property. It will be seen from my appeal decision that I have reached a different conclusion to that of the Council in this regard. I assessed the proposed development on the basis of a householder application for an extension, as per the submitted planning application form.
6. It was unreasonable for the Council to assess the proposal differently from the description of development applied for. The Council's assessment of the case as

an independent dwelling led to subsequent reasons for refusal that have required the appellant to address in their appeal.

7. In reaching my decision I have accepted the Council's suggested condition for ancillary accommodation. When considering the planning application, the Council could have conditioned the use, as they have suggested, to ensure the proposed development would be ancillary to the existing dwelling. This would have resolved the Council's concerns in relation to the creation of an independent unit and the subsequent highway-related concerns.
8. The Council contest that the appellant submitted additional information regarding personal circumstances. It can be seen from my decision that the personal circumstances of the appellant have not changed my findings on the main issue.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that a full award of costs is justified.

Costs Order

10. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Central Bedfordshire Council shall pay to Mr Andrew Brankley, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Cost Office if not agreed.
11. The applicant is now invited to submit to Central Bedfordshire Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

R Gee

INSPECTOR