



Costs Decision

Site visit made on 7 December 2023

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2024

Costs application in relation to Appeal Ref: APP/K0235/W/23/3324973 Thurleigh Farm Centre, Cross End, Thurleigh, Bedford MK44 2EE

- 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 QT Adventure Playgrounds Limited for a full award of costs against Bedford Borough Council.
 - The appeal was against the refusal of the Council to grant planning permission for the conversion of a redundant visitor centre into three residential dwellings.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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 applicant considers there was unnecessary delay on behalf of the Council, that it did not issue a timely decision, failed to provide an objective analysis and disregarded the findings of an Inspector on a nearby site for a similar proposal.
4. It appears to me that, although the Council was not swift in its determination of the application, it did not unreasonably delay its decision. The application was not simple or straightforward and clearly required consultation in order for the Council to complete its statutory duties. It recognised, and accepted, its delay and refunded the application fee accordingly.
5. The Council explained its analysis of the proposed development in the officer's report and articulated this in the decision notice. I am satisfied that this demonstrates the Council took due account of all relevant matters. The reasons for refusal and supporting officer report were focused and clearly defined the Council's concerns. Simply because it expressed a differing opinion to the appellant, and to my findings in this appeal, this does not mean it misinterpreted planning policy. Rather, it made a planning judgement based on policy.
6. The Council could have been more considered in relation to the conclusions of the Inspector on the appeal at the nearby barn. Nevertheless, this scheme related to a separate site and, despite some overlapping issues, raised differing matters of judgement. In any case, its conclusions clearly would not have

altered the outcome of its decision and as such there has been no additional expense incurred by the applicant in making this appeal.

Conclusion

7. Therefore, I conclude that, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Nick Bowden

INSPECTOR