



Costs Decision

Site visit made on 19 December 2023

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 11 January 2024

Costs application in relation to Appeal Ref: APP/K0235/D/23/3330320 12A Galloway Close, Kempston, Bedford MK42 7DX

- 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 Mrs K Kaur for a full award of costs against Bedford Borough Council.
 - The appeal was against the refusal of planning permission for a single storey side extension.
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Decision

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

Reasons

2. 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 applicants claim that the refusal reasons of the council were not substantiated. In relation to refusal reason 1, the applicants have re-iterated their argument that the proposed extension is 'a fraction' of the size of total plot coverage. They argue that the council did not take account of this. For the reasons given in the appeal decision letter, I have found in favour of the council and consider that the harms are adequately set out in the officer report and decision notice. I do not agree that in relation to refusal reason 1 that there was unreasonable behaviour by the council.
4. In respect of refusal reason 2, as the council were not in possession of the tree report, they did not have evidence that the tree was diseased, other than the claim from the applicant shown on the application form. Whilst I note that the council validated the planning application, where further evidence is required, it is commonplace when a tree(s) is likely to be affected by development that a tree report is provided with the application.
5. In submitting the report as part of the appeal, the evidence clearly set out that the tree in question was diseased and would have a limited lifespan, rendering it a Category C.
6. In the appeal decision letter, I agreed that a planning condition could sufficiently deal with the replacement of the tree. Had the council had that information during the determination of the application, they may not have felt it necessary to impose refusal reason 2. I therefore do not consider the council

acted unreasonably in refusing planning permission on the grounds of perceived harm to the tree.

7. I consider that overall, the reasons for the refusal as set out in the decision notice are complete, precise, specific and relevant to the application. The council have listed the relevant policies of the Local Plan and other material considerations which would be in conflict.
8. It is my view that the refusal reasons have been adequately substantiated by the Council in its Officer Report. The Officer Report demonstrates how the proposal would result in harm to the character and appearance of the host dwelling and wider area as well as potential harm to the tree, using the evidence submitted by the appellant and the Council's observations as well as representations from third parties.
9. I note that there were no objections from statutory consultees, but that in and of itself is not a reason to find in favour of a proposal.

Conclusions

10. The council were entitled to reach the conclusions they did, and I consider that they justified their position in determining the planning application.
11. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Sian Griffiths

INSPECTOR