



Costs Decision

Site visit made on 24 October 2023

by **G Sibley MPLAN MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15th March 2024

Costs application in relation to Appeal Ref: APP/K0235/W/23/3319951 18 - 20 Woodfield Lane, Renhold MK41 0LH

- 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 Cedarwood Projects Ltd for a full award of costs against Bedford Borough Council.
 - The appeal was against the refusal of planning permission for demolition of existing 2 no. bungalows and outbuilding and the erection of 2 no. 3 bedroom dwellings and 1 no. 2 bedroom bungalow and the creation of new access from the highway.
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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 (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 appeals process.
3. The PPG advises that all parties are expected to behave reasonably throughout the planning process. Although costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceedings, behaviour, and actions at the time of the planning application can be taken into account in the Inspector's consideration of whether or not costs should be awarded.
4. Whilst the case officer may have indicated that they would recommend the application for approval, the council is not beholden to discussions and advice given by council officers prior to a decision being made. These are generally given 'without prejudice'. Whilst justification should be provided where a decision conflicts with advice, I am satisfied that the Officer's Report did this.
5. It is important that officers substantiate the council's reason for refusal. This was carried out by the Case Officer which included an analysis of the proposal, and a balancing exercise in the Officer's Report.
6. It is evident from the Officer's Report and Statement of Case that the council concluded that elements of the scheme accorded with certain development plan policies and supporting planning documents but that the scheme did not accord with the development plan taken as a whole. This is not unusual as it would be unlikely that a scheme would conflict with all policies in a development plan. Additionally, supplementary planning documents and the standards within them are typically guidelines. Dependent on the specifics of each case development can be acceptable that does not comply, or even unacceptable

- when it does comply with these standards. It is a matter for the decision maker to decide and is a material consideration.
7. The weight given to each consideration is a matter of planning judgement, and the courts have held that the weight attributed to the material considerations of a case is a matter for the decision maker. While I have reached a different conclusion to the council, this was not a case where the development should clearly have been permitted. Given that there was an appeal dismissed on this site for a similar development, it was not unreasonable for the council to consider the conclusions reached in that decision and assess the scheme in relation to them. I have taken a similar approach in my decision, but I have come to a different conclusion than the council, which is a matter of planning judgement, as was the case when the council made its decision. The decision by the council to refuse permission was not therefore unreasonable behaviour.
 8. I appreciate that the applicant was disappointed with the council's handling of the application, procedures and subsequent outcome. However, the council's reason for refusal was nevertheless clearly set out with reference to relevant development plan policies. The reason for refusal was then explained in more detail in the council's Officer's Report and the subsequent Statement of Case. On balance, I consider they were sufficient to substantiate its case. I am therefore satisfied that the council produced evidence to substantiate its reason for refusal and did not make vague, generalised or inaccurate assertions about the proposal's impact.
 9. Accordingly, the council's behaviour and actions at the time of the planning application or during this appeal have not resulted in unreasonable behaviour or unnecessary or wasted expense in the appeals process. Therefore, an award of costs is refused.

G Sibley

INSPECTOR