



Costs Decision

Site visit made on 17 April 2024

by Ian McHugh Dip TP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14.05.2024

Costs application in relation to Appeal Ref: APP/K0235/D/23/3335980 28 Box End Road, Kempston, Bedford, MK43 8RR

- 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 A McQueenie for a full award of costs against Bedford Borough Council.
 - The appeal was against the refusal of planning permission for the conversion and extension of existing garage to form an annexe.
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Decision

1. The application for an award of costs is dismissed in the terms set out below.

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 PPG makes 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 if it makes vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The appellant contends that the Council acted unreasonably for the following reasons:
 - Treating the proposal as an independent dwelling led to an erroneous assessment of the case and inaccurate assertions about the impact of the development; and
 - The Council refused permission on grounds capable of being dealt with by a planning condition.
5. The appellant points to the fact that the planning application was submitted to the Council as a householder development for an annexe to the dwelling at number 28 Box End Road. It was validated by the Council on that basis. However, the Council determined the application as a proposal for a separate independent dwelling.
6. The appellant has drawn my attention to an application for costs that was allowed in relation to an appeal at 307-309 Ampthill Road in Bedford (APP/K0235/D/23/3329478). In that case, the Inspector concluded that it was unreasonable for the Council to consider the application differently to that described on the application form. However, the Council has also drawn my

attention to other appeal decisions in which Inspectors have concluded differently. Consequently, each case should be determined individually.

7. In this appeal, whilst I have reached a different conclusion, the Council, in my opinion assessed the proposal in a full, objective and reasonable manner, having regard to the facilities proposed, the size of the annexe, case law and appeal decisions. It also gave consideration as to whether a condition restricting occupancy would be appropriate and it gave reasons as to why not, mainly due to difficulties with enforcement.
8. This case highlights the mixed opinions and conclusions of decision makers on the issue of annexes and given that is often a matter of fact and degree, I am not persuaded that the Council has acted in an unreasonably.

Conclusion

9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance has not been demonstrated.

Ian McHugh

INSPECTOR