



Costs Decision

Inquiry held on 13 - 16 August 2024

Site visit made on 14 August 2024

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6/11/2024

Land North of Biggleswade, Biggleswade, SG18 0HB

Costs application in relation to Appeal Ref: APP/P0240/W/24/3340777

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Hallam Land Management for a full award of costs against Central Bedfordshire Council.
 - The inquiry was in connection with an appeal against the refusal of planning permission for up to 416 dwellings including affordable housing; green infrastructure accommodating landscaping, allotments, community orchard, public open space, children's playspace; new roads, car parking, cycleways and footways; associated infrastructure, including a sustainable drainage system; vehicular access to be secured from Furzenhall Road.
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Decision

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

The submissions for Hallam Land Management

2. The costs application was submitted in writing. The applicant refers to the principles identified in the costs section of the Planning Practice Guidance, specifically preventing or delaying development which should clearly be permitted; failing to produce evidence to substantiate each reason for refusal on appeal, vague, generalised or inaccurate assertions about a proposal's impact; and refusing planning permission on a planning ground capable of being dealt with by conditions.
3. The applicant says that the Council failed to provide any expert highways evidence to support their case, did not support its case with regards the use of a single point of access in an emergency and conceded that a Grampian style condition would resolve further issues referred to in the reasons for refusal.

The response by Central Bedfordshire Council

4. The response was made in writing. The council maintains that the technical highways assessment, (such as methodology, vehicle movements or impact on junctions) was not subject to challenge at the Inquiry and as such, the Council did not and did not need to lead highways evidence.
5. In addition, the Council asserts that in evidence it was accepted that a Grampian condition could be used to overcome elements of the reason for refusal only if the proposed "scheme were known and the effects of the scheme were known". Furthermore, additional evidence produced by the appellant in

the course of the appeal process, the parking survey and accident information, was not before the committee when it determined the application.

Reasons

6. 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.
7. I note that the Council, in response to additional evidence produced by the appellant in the appeal process, chose not to defend the reason for refusal with regards emergency access. To respond to new evidence produced in the appeal process is not unreasonable and I am satisfied that the Council made clear its intention not to defend the reason at the Inquiry in a timely manner.
8. Furthermore, in evidence, the Council acknowledged that a Grampian style condition could, with some qualification, overcome the reason for refusal with regards car parking and referred to the submission of additional evidence, specifically the parking survey, that was not before the Council when determining the application. I consider that the parking survey produced by the Appellant is a significant material consideration. Furthermore, the proposed parking mitigation measures are in draft form only rather than a refined and final scheme. As such that the Council acknowledged the potential for a Grampian style condition, while not agreeing that such a condition would resolve the dispute, in light of this additional evidence is not unreasonable.
9. I am satisfied that the Council adequately reasoned and substantiated its concerns regarding the reason for refusal in respect of the "use and enjoyment of Furzenahll Road, which is part of the National Cycle Network, for cyclists". In addition, I am satisfied that the Council did so adequately without presenting specialist highways evidence.
10. Matters relating to the determination of the application, in particular that many of issues at dispute could have been resolved earlier and that the determination of the application was over an extended period of time, is outside of the scope of this costs application.
11. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Mr M Brooker

INSPECTOR