



Costs Decision

Site visit made on 21 November 2024

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th December 2024

Costs application in relation to Appeal Ref: APP/K0235/D/23/3327742 12A Galloway Close, Kempston, Bedford, Bedfordshire 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 Kamaljit Kaur for a full award of costs against Bedford Borough Council.
 - The appeal was against the refusal of the Council to grant planning permission for single storey side extension.
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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 appeal process.
3. The application for an award of costs is made on the basis that the Council failed to produce evidence to substantiate each reason for refusal; gave vague, generalised, or inaccurate assertions about a proposal's impact which are unsupported by objective analysis; and failed to consider that a condition for replacement tree planting could overcome the Council's concerns about the removal of a tree.
4. The effect of the proposal on local character is ultimately a matter of planning judgement. The Council substantiated its concerns in its Officer Report with reasoned analysis; and the first reason for refusal on the decision notice is complete, precise, specific, and relevant to the application. Consequently, the Council has not made vague, generalised, or inaccurate assertions. It will be seen from my decision that I have also found the proposal would cause harm to local character. Therefore, whilst the applicant may not agree with the Council's judgement on this matter, it does not make the Council's behaviour unreasonable. Furthermore, the absence of objection from technical consultees, does not equate to a lack of material harm.
5. The onus is on the applicant to provide sufficient information with the application to enable the Council to make an informed decision about the relevant considerations. In coming to the view that the tree was diseased in my decision, I took account of the letter from an Arboricultural Consultancy that was not before the Council when it determined the application. Had the information about the health of the tree been available to the Council when it

made its decision, it could have come to a different view about its removal and replacement. Therefore, the Council has not behaved unreasonably in objecting to the loss of the tree.

6. Overall, having considered the facts and circumstances of the case, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

E Catcheside

INSPECTOR