Planning Inspectorate

Costs Decision

Site visit made on 26 November 2024

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2024

Costs application in relation to Appeal Ref: APP/K0235/W/24/3346511
Radwell Hall Farm, Bridge End, Radwell, Bedford, Bedfordshire, MK43 7HU

- 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 Mr Simon Bates for a full award of costs against Bedford Borough Council.
- The appeal was against the refusal of planning permission for erection of replacement serviced livery stables and formation of parking area.

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 applicant claims that the Council acted unreasonably in not approving the proposal submitted which, they consider, is in accordance with the Development Plan and National Planning Policy Framework (the Framework). The applicant also claims that the Development Plan is silent on equestrian development and should, therefore, be considered as out of date. Moreover, the applicant claims that the emerging policy, which includes an equestrian development policy should be given greater weight in the decision.

4. Although the Council are seeking to add an equestrian development specific policy in the Emerging Local Plan this would not make the current policy out of date. The delay in the progress of the emerging local plan relates to responding to the Examining Inspectors concerns over housing and infrastructure delivery. Nevertheless, I cannot be certain that other draft policies, including the equestrian policy, would not be modified. I also cannot be certain when the emerging local plan is likely to be adopted. I have, therefore, only given limited weight to the emerging policies and considered the appeal against the adopted development plan.

5. As detailed in my formal decision, I have found that the development would not accord with the adopted Local Plan and that the policies within the Local Plan are broadly consistent with the Framework, which does not require a specific policy for equestrian developments.

6. I have dealt with the applicant's claims that the Council failed to produce evidence of absence of community need in my formal decision. It is not for the Council to

demonstrate a lack of need. The Council provided a statement of case which justified its decision against the adopted development plan and the Council, in that regard, has not failed to produce evidence to support its decision.

7. I acknowledge that the comments of the Parish Council as summarised in the officer report do not read the same as the full response. The Parish Council considered the appeal scheme to be more acceptable than the previous applications. However, as advised in my formal decision, even if I took this to be the Parish Council's support of the scheme, this alone would not be sufficient to comply with the requirements of Policy 7S of the Bedford Borough Council Local Plan 2030 (the LP).

8. My formal decision also deals with the issue of whether the appeal proposal is for replacement stables or not and whether the evidence provided in the Equine Business Report is sufficient, or not, to meet the requirements of Policy 7S and the Planning Policy Briefing Note. For the reasons set out in the formal decision I too have concerns that the appeal proposal is not responding to an identified community need.

9. I have found that the Council had reasonable concerns about the proposed development which justified its decision. I find nothing to suggest that a decision was not reached on the basis of the proposal, as submitted by the applicant, and assessed against the Local Plan. The applicant had to address those concerns and therefore the appeal could not have been avoided.

10. For the above reasons, I have no substantive evidence that the Council has acted unreasonably in this case. As such, there can be no question that the applicant incurred unnecessary or wasted expense.

Conclusion

11. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has not been demonstrated, thus the award of costs is not justified.

K Townend

INSPECTOR