



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:

Costs application in relation to Appeal Ref: APP/K0235/W/24/3346291

Land Adjoining 39 Lower Farm Road, Bromham, Bedford, MK43 8JD

- 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 Kevin Salaun for a full award of costs against Bedford Borough Council.
 - The appeal was against the refusal of an application for planning permission for an equestrian tourist and day centre including 3 tourist accommodation chalets for 7 people each, plus a mixed use reception etc building, wooden fencing, screening planting and associated works.
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Decision

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

Preliminary Matters

2. The applicant has indicated that the costs application is for either a full or partial award of costs. However, as the information provided within the costs application relates to all of matters in the appeal, I have considered this as an application for a full award of costs. Nevertheless, it is within my power to award partial costs.

Reasons

3. 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.
4. The applicant claims, in summary, that the Council has behaved unreasonably in that they misinterpreted some of the relevant policies and ignored the support from the local community and Parish Council.
5. The Council has rebutted the claim and advised that they considered the proposal against the adopted policies; that they took into account the local support; and that the Parish Council did not object, but that this would not mean they supported the proposal. Moreover, the Council claim that, even if I were to find that there was sufficient local support, that there are other issues that justify refusal.
6. As detailed in my formal decision, I have found that the development, even as a mixed tourist accommodation and leisure use development in a location near to bridleways, would not accord with the adopted Local Plan. The submitted evidence does not show that the development is responding to an identified community need, even though the Parish Council has no objection to the scheme. Furthermore, I find that the appeal proposal would cause harm to the character and appearance of the area and to the living conditions of the occupants of 39 Lower Farm Road.

7. 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. As detailed in my formal Decision, I have found that the Council had reasonable concerns about the proposed development which justified its decision. The applicant had to address those concerns and therefore the appeal could not have been avoided.
8. 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

9. 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 Townsend

INSPECTOR