



Costs Decision

Site visit made on 22 January 2025

by A. J. Boughton MA(IPSD), Dip.Arch, Dip.Conservation, RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2025

Costs application in relation to Appeal Ref: APP/K0235/D/24/3354999

6 Chiltern Avenue Bedford MK41 9EQ

- 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 and Mrs Neghina for an award of costs against Bedford Borough Council.
- The appeal was against the refusal of Bedford Borough Council to grant planning permission for extensions to front sides and rear including raising the roof to form a chalet style bungalow, modifications include associated internal alterations and to include integral garage.

Decision

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

Reasons

2. The Planning Practice Guidance advise 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. Costs applications do not depend on the outcome of the related appeal but upon the behaviour of the parties involved. The applicant¹ alleges that the need to appeal and that consequential additional expense has been incurred as a result of the Council referring to design guidance² which has been superseded by the adoption of new development plan policies.
4. The National Planning Policy Framework (2024) (the Framework) emphasises the role and importance of design guides. The Council's decision notice refers to Policies 28S (criteria i and ii), 29 (criteria i and ii) and 30 (criteria i and ii) of the adopted local plan. These are general design policies that require, amongst other things, high quality design that respects local context and character which are qualitative assessments that are open to subjective variation in which guidance has a contributory, but not determinative, role. Overall, notwithstanding that the Council's design guidance predates the National Design Guide, the applicant has not demonstrated that other design guidance³ might have led to a different conclusion to that reached by the Council.

¹ Meaning the applicant for an award of costs

² Residential Extensions, New Dwellings & Small Infill Developments, 2000" (DG)

³ Such as the National Model Design Code

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

Andrew Boughton

INSPECTOR