
Costs Decision

Site visit made on 13 January 2025

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2025

Costs application in relation to Appeal Ref: APP/P0240/W/24/3344861 ECL House, Lake Street, Leighton Buzzard, Central Bedfordshire LU7 1RT

- 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 Central Bedfordshire Council for a partial award of costs against M & A Knightsbridge Properties Ltd.
 - The appeal was against the refusal of planning permission for demolition of existing office building and redevelopment with 8x 1-bed mews houses and 1x 1-bed flat (conversion of existing office) and all ancillary works.
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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 Council's application was included with their response to the appellant's application for a full award of costs, which is the subject of a separate decision. In summary, the Council alleges that the appellant's application was itself unreasonable, on the basis that none of the claims therein can be substantiated. Therefore, the Council seeks an award of costs relating specifically to the process of reviewing and responding to the appellant's costs application. While the application was made outside the normal timetable, given the contents it could not reasonably have made earlier and I have given it consideration, along with the appellant's response.
4. The appellant's application for costs included an explanation for each of the reasons why they considered that the Council had acted unreasonably in a substantive sense. The application conveys the appellant's frustration with the application process and what they perceive as a change of position by the Council. Nevertheless, a reasoned explanation was provided for each of the points raised, which include matters of judgement and, in one case, an inaccurate description of the orientation of the proposed dwellings.
5. On that basis, the appellant's application for a full award of costs was not unsubstantiated or spurious. Nor did it amount to a series of flawed, inaccurate or misleading allegations, as the Council suggests. The appellant is entitled to submit such an application as part of the appeal process and its contents do not amount to unreasonable behaviour. While I have concluded that the Council's behaviour when

considering the application was not unreasonable, and did not prevent or delay development which should clearly have been permitted, that is a matter of judgement drawing on evidence provided by both parties.

Conclusion

6. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Jane Smith

INSPECTOR