



Costs Decision

Site visit made on 1 April 2025

by **H Smith BSc (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th April 2025

Costs application in relation to Appeal A Ref: APP/P0240/W/24/3355328

6 North Bridge Street, Shefford, Central Bedfordshire SG17 5DN

- 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 Miah for a full award of costs against Central Bedfordshire Council.
 - The appeal was against refusal to grant planning permission for the installation of a commercial flue, its ducting surrounding enclosure, external window and doors alterations.
-

Costs application in relation to Appeal B Ref: APP/P0240/Y/24/3355307

6 North Bridge Street, Shefford, Central Bedfordshire SG17 5DN

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Miah for a full award of costs against Central Bedfordshire Council.
 - The appeal was against the refusal to grant listed building consent for the installation of a commercial flue, its ducting surrounding enclosure, external window and doors alterations.
-

Decisions

1. **Appeal A** – the application for an award of costs is refused.
2. **Appeal B** – the application for an award of costs is refused.

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. Unreasonable behaviour can relate to procedural matters (i.e. the appeal process) or substantive matters (i.e. issues related to the planning merits of the appeal).
5. Essentially, the applicant is seeking a full award of costs due to the Council's unreasonable behaviour at the application stage.
6. Whilst no objections were raised by the Council's Conservation Officer, objections had been received from local residents. This was due to their concerns that the proposal would have a detrimental impact on the listed building and the character and appearance of the local area. The Planning Officer exercised their planning judgement as decision maker and were entitled to come to the conclusions they did based on the evidence before them, the adopted development plan for the area, and national policy. Therefore, I find the Council to have acted reasonably in this regard.

7. The applicant also disagreed with the Council's reasons for refusal regarding odour. Although I did not agree with the Council regarding odour, sufficiently robust evidence was submitted to show that it did not apply its judgement in an unreasonable manner, in accordance with the advice in the PPG.
8. The balancing exercise is a matter of planning judgement. While social and economic benefits can be a material consideration, it was not in this case sufficient to outweigh the proposal's unacceptable harm and impact on the listed building and the conservation area. Accordingly, the Council's assessment of this matter was not unreasonable.
9. Matters relating to the effect of a proposal on the significance of a designated heritage asset, and the character and appearance of the area, involve planning judgement. The Council exercised their planning judgement as decision maker and were entitled to come to the conclusions they did based on the evidence before them, against the statutory duties within the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), the adopted development plan for the area, and national planning policy.
10. Accordingly, I do not find that the Council failed to properly evaluate the applications or consider the merits of the scheme and therefore the appeals could not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposal which justified its decisions.
11. Although I understand the applicant's frustration at the delays and the requests for extensions of time, I have seen no sufficiently compelling evidence that the Council behaved unreasonably. The Council refused the applications and provided sufficient detail as to why it did not grant planning permission or listed building consent. It is not therefore the case that the appeals could have been avoided and therefore the applicant has not incurred unnecessary and/or wasted expense.

Conclusions

12. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. An award of costs is not therefore justified for the appeals.

H Smith

INSPECTOR