
Costs Decision

Site visit made on 2 June 2025

by **J Pearce MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26th June 2025

Costs application in relation to Appeal A Ref: APP/K0235/W/24/3357070 16-18 Harpur Street, Bedford MK40 1LB

- 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 Lipa Fried for a full award of costs against Bedford Borough Council.
 - The appeal was against the refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use from commercial floorspace (Class E) to provide 12 x self-contained flats (Class C3).
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Costs application in relation to Appeal B Ref: APP/K0235/W/24/3353545 16-18 Harpur Street, Bedford MK40 1LB

- 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 Lipa Fried for a full award of costs against Bedford Borough Council.
 - The appeal was against refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use from commercial floorspace (Class E) to provide 12 x self-contained flats (Class C3).
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Decision

1. The applications for an award of costs are 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 considers that the Council has acted unreasonably through its handling and subsequent determination of the proposals. The applicant considered that the reasons for refusal were based on irrelevant and unreasonable grounds that were speculative and unsubstantiated, which may have been overcome by condition. Consequently, the applicant states that the Council has prevented or delayed development which should clearly be permitted, and this has resulted in unnecessary delays and additional costs.
4. The Council's reasons for refusal were set out in the decision notice and substantiated within the Officer Report. The reasons for refusal were further substantiated within the Council's Written Representations Statements.
5. The reasons for refusal refer to the provision of refuse storage and whilst this is not specifically a subject for consideration under Class MA, the collection of bins from

within the highway would be a transport impact of the development. While I have found that the proposal would meet criterion (g) given the site's location within an area of primarily retail uses, the proposal has not demonstrated that the refuse storage and presentation associated with the proposal would not result in unacceptable impact on highway safety. Moreover, given the constraints of the site, I would not be able to impose a condition in respect of this matter.

6. The applicant states that the Council has acted unreasonably in not engaging proactively during the process of the applications, in conflict with Paragraph 39 of the National Planning Policy Framework (the Framework). Nevertheless, the Framework states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Given the time constraints associated with prior approval applications, and the limited engagement prior to submission of the applications, I do not consider that the Council has acted unreasonably in this regard.
7. The proposals for the change of use of the upper floors rely partly on the completion of operational development related to associated planning permissions in order to provide pedestrian access to the dwellings and to provide adequate natural light to all habitable rooms. The Council could have considered a negatively worded condition that would preclude occupation of the proposed dwellings prior to the approved works being carried out. The Council has substantiated its reasons for refusal in this regard and provided appeal decisions in support of its approach. Whilst I have reached a different conclusion, I do not consider that this amounts to unreasonable behaviour.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

J Pearce

INSPECTOR