



Costs Decision

Hearing held on 11 June 2025

Site visit made on 11 June 2025

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2025

Costs application in relation to Appeal Ref: APP/P0240/W/24/3357260

91 London Road, Sandy, Bedfordshire SG19 1DH

- 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 Muller Property Group for a full award of costs against Central Bedfordshire Council.
 - The appeal was against the refusal of outline planning permission for the demolition of existing buildings / structures on the site, and erection of an 80-bedroom care home (Use Class C2), with a sub-station, access, car parking, servicing and other associated works, with consideration of layout, scale, appearance and access.
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Decision

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

The submissions for Muller Property Group

2. The applicant's initial costs application was made in writing. Final comments were made verbally at the hearing, as follows: the first and broad point is that the Council's response, we say, doesn't address how they can reasonably allege that the site is in an unsustainable location whilst at the same time accepting the principle of development and compliance with Policy SP7. The second point is that our costs application, page 4, sub paragraph 5, pointed out the Council's repeated acceptance as to the adequacy of pedestrian links and the Council's response does not address that point, and so there is no reasonable explanation for their change of view.

The response by Central Bedfordshire Council

3. The response was made in writing prior to the hearing.

Reasons

4. 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.
5. The applicant considers that the Council has unreasonably refused the appeal scheme and delayed development which should clearly be permitted having regard to local and national policy as well as other considerations.
6. The Council refused planning permission as it considered the site to be located in an unsustainable location, resulting in future visitors and employees of the development having an over-reliance on private vehicles to access the site.

7. Central Bedfordshire Local Plan ('CBLP') Policy SP7 establishes Settlement Envelopes and the appeal site lies within the Settlement Envelope of Sandy. This policy is supportive of various forms of development within Settlement Envelopes. Within the supporting text of the policy, it is stated that Settlement Envelopes provide a distinction between the settlements and the open countryside. There is no explicit broad-brush indication within the policy that all sites within a Settlement Envelope should be considered suitably accessible by all means of transport.
8. The CBLP contains other policies that specifically address the issues of access and sustainable travel, and the Council found conflict with those. It is not the case that compliance with CBLP Policy SP7 should neuter consideration of a proposal against the other policies of the development plan, and the development plan should be considered in the round in any case. Moreover, there are clear site-specific matters to consider in this regard; namely the significant severance of the settlement which occurs due to the A1 dual carriageway. Therefore, I do not find that the Council has acted inconsistently in relation to its conclusions in this respect.
9. The Council acknowledged that the appeal site is accessible by pedestrians; after all, whether such access is possible is a matter of fact. It also, at the hearing, conceded that such access would not be inherently unsafe. However, the Council's concerns were clearly more nuanced, and related to whether accessing the site by means other than private car would be an attractive option, which brought into consideration other factors such as the perception of safety and fear of crime. It is entirely possible for a route to be safe, but also be perceived as otherwise. Such matters feed into the overall attractiveness of alternative means of travel, in comparison to journeys by private car.
10. Moreover, at the hearing, the Council also explained why it considered the circumstances of the appeal proposal differed from that of the extant permission for residential dwellings. While I ultimately found in favour of the appellant in relation to this main issue, the Council's concerns were legitimate and adequately explained, and did not represent inconsistency.
11. It is evident that the acceptability of the proposal in this regard had been the subject of discussion between Council officers, with differing conclusions being reached, and the decision maker ultimately reaching a different view to the case officer. While understandably frustrating, the Council making a decision contrary to the view of a case officer is not, in itself, unreasonable where there are legitimate reasons for doing so. As I have set out above, although I reached a different conclusion, the Council's case was adequately substantiated. Therefore, no unreasonable behaviour occurred in this regard, nor was development which should clearly be permitted unreasonably delayed.
12. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and the applicant has not incurred unnecessary or wasted expense in the appeal process as a result. Therefore, I conclude that an award of costs is not warranted.

C Harding

INSPECTOR