



Costs Decision

Site visit made on 1 July 2025 by E Street BSc (Hons) MSc

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2025

Costs application in relation to Appeal Ref: APP/P0240/D/25/3366396

Holly End, Oldhill Wood, Studham, Central Bedfordshire LU6 2NE

- 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 Neil Westfield for a full award of costs against Central Bedfordshire Council.
 - The appeal was against the refusal of planning permission for removal of existing summer house and replaced with proposed summer house
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Decision

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

Procedure

2. An Appeal Planning Officer has set out the recommendation below, to which the Inspector has had regard before deciding the application.

Reasons and Recommendation

3. Parties in planning appeals normally meet their own expenses. Planning Practice Guidance (PPG) sets out that, irrespective of the outcome of the appeal, 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. The PPG also advises that unreasonable behaviour in the context of an application for an award of costs may be either procedural or substantive. The applicant has explained that their submission refers to the latter.
4. They allege that the Council misapplied national policy with particular regard to Paragraph 154 (d) and, in terms of the crux of the matter, whether or not the appeal scheme represented a replacement building for its purposes. It is correct that the Framework does not stipulate whether, to be a replacement building, it has to be in the same place. Similarly, it does not say that it cannot be in a different place. With this in mind, one can only conclude that it does not have to be.
5. The Council are clearly of the view that it does. Whilst I have disagreed in the accompanying appeal decision, the Council have exercised their judgement which they are at liberty to do. Particularly since the above argument works both ways. I.e. there is no conclusive statement, for the Framework's purposes, as to whether a replacement can or cannot be in a place other than that of the previous to be considered so. In essence therefore, I do not agree that the Council have misinterpreted national policy since there is no hard and fast definition of what a replacement can or cannot be for the purposes of the Framework.

6. The Council has not therefore acted unreasonably and thus the appeal could not have been avoided. The applicant submitted one, which is their prerogative. I have resolved the matter of which Green Belt exception the appeal scheme should be considered under as the most relevant in the accompanying appeal decision and found accordingly there against. With this and the above in mind, an award of costs is not justified.

E Street

APPEAL PLANNING OFFICER

Inspectors Decision

7. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that a full award of costs is not justified in this case. The application for such is therefore refused.

John Morrison

INSPECTOR