



Costs Decision

Site visit made on 7 July 2025

by **A Walker MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 August 2025

Costs application in relation to Appeal Ref: APP/K0235/X/23/3330329

24 Marsh Lane, Milton Ernest, Bedford MK44 1RB

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Symbiosis Care LTD for a full award of costs against Bedford Borough Council.
 - The appeal was against the refusal of a certificate of lawful use or development for the change of use of single family dwelling C3(a) into supported living accommodation for 1 person C3(b).
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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. In 2021, the Council granted planning permission for a change of use of a single dwelling (Class C3) to supported living (C3(b))¹. In 2022, an LDC application² was made to the Council for a similar development to the appeal proposal. The Council subsequently granted a certificate. The supporting documentation accompanying the 2022 LDC application was very similar to the documentation submitted in support of the LDC application that is the subject of the appeal before me. Whilst it is not clear what evidence accompanied the 2021 planning application, the report attached to the decision notice sets out clear similarities with the proposed use that is the subject of the appeal, finding that it would not be Class C2 or sui generis and therefore would be Class C3(b) by implication.
4. The Council contends that with regard to the 2022 LDC application, 'sufficient information had been submitted to satisfy the Council that the use as described would be lawful'. However, there is no explanation as to how that information differed to that submitted for the appeal before me, when on the evidence before me it appeared to be very similar.
5. Accordingly, the submission of three similar proposals accompanied by similar evidence and yet receiving different decisions amounts to unreasonable behaviour on behalf of the Council. There is an expectation that like-for-like proposals are determined in a consistent manner.

¹ Council ref: 21/00490/COU

² Council ref: 22/01295/LDP

6. However, in order for costs to be awarded, it must be demonstrated that this unreasonable behaviour incurred unnecessary or wasted expense in the appeal process. In this instance, I have found the Council's refusal to grant a certificate of lawful use or development was well-founded and dismissed the appeal. Therefore, the applicant did not incur unnecessary or wasted expense in lodging the appeal.
7. The PPG states 'There is no statutory requirement to consult third parties including parish councils or neighbours. It may, however, be reasonable for a local planning authority to seek evidence from these sources, if there is good reason to believe they may possess relevant information about the content of a specific application. Views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question, are irrelevant when determining the application.'
8. In their consideration of the LDC application, the Council notified the Parish Council and neighbouring residents and invited them to make comments. Whilst there is no statutory requirement for the Council to do this for LDC applications, there is equally nothing prohibiting them from doing so. In any event, whilst comments were received from interested parties, there is nothing to indicate that these comments were a determinative factor in the Council's decision to refuse to grant a certificate, and certainly nothing to suggest they were attributed significant weight. Accordingly, I find the Council did not act unreasonably in notifying interested parties of the LDC application.

Conclusion

9. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, an award for costs is therefore not justified.

A Walker

INSPECTOR