



Costs Decision

Site visit made on 22 July 2025

by S Wilkinson BA BPI DIP LA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2025

Costs application in relation to Appeal Ref: APP/K0235/W/25/3362477
The Fox & Hounds, 178 Goldington Road, Bedford, MK40 3EB

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.

Submissions of the applicant

3. The application is made on both procedural and substantive grounds for a full award of costs as follows:
 - Despite extensions of time being agreed on several occasions, the Council refused the application without taking on board additional information submitted in response to the Council's earlier comments. This information was not referred to in the officer's report and led to the refusal of planning permission necessitating the appeal. This could have been avoided.
 - The Council relied too much on its marketing guidance unrelated to adopted policy which does not adequately reflect how properties are now marketed. It was unnecessary to require three valuations and an extended marketing campaign of up to 24 months.
4. The Council has therefore behaved unreasonably leading to unnecessary costs incurred by the applicant.

Response of Bedford Borough Council

5. In response the Council makes the following points:
 - The Council offers a pre application service which was not used by the applicant. On submission of the additional evidence in September 2024, the Council stated its concerns during a meeting before refusing the application. Whilst additional information was submitted in advance of the application being determined this would not have addressed its deficiencies. The additional information would have required further consultation. The

Council's Procedural Note is clear on its approach to negotiation. This approach is not unreasonable and has been supported by other Inspectors¹.

- The Council's guidance is a useful tool for assessing marketing campaigns and it was not treated as policy; this was recognised in the previous appeal decision².
- Three valuations would have provided assurance that the asking price reflected the market and in this respect it was appropriate for the Council to seek additional evidence that the guide price was realistic. A longer marketing campaign was required to test the market.
- Policy 83ii required the Council to be satisfied that the use was no longer economically viable. Its approach in using the guidelines was not unreasonable given this requirement.

6. The Council has not behaved unreasonably.

Conclusions

7. The claim for costs relates entirely to how the application for planning permission was managed by the Council. The Council's decision was based on an interpretation of Policy 83 and the marketing guidance. It was entirely appropriate for it to interpret policy in the way it did and was consistent with other decisions relating to this site. It did not conflate the two. Whilst I interpreted the policy and guidance in a different way in the main decision this does not undermine the approach that the Council took.
8. It was the applicant's decision to lodge the appeal and it is instructive that this claim does not extend to the substance or procedural matters involved in the appeal.
9. Accordingly, the award for costs is refused.

S Wilkinson

INSPECTOR

¹ APP/J0405/W/22/3304555

² APP/K0235/W/23/3332432