



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: 16 September 2025

Costs application in relation to Appeal Ref: APP/P0240/W/25/3363914
Land at 22 Common Lane, Upper Sundon, LU3 3PF

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 by the applicant

3. The application is made on both procedural and substantive grounds for a full award of costs as follows:
 - Inconsistencies in advice given by the Council during the pre-application and the management of the application process related in part to assessment of the five year housing land position, Green and Grey Belt and landscape matters,
 - Undue delays in handling the application despite the pre application advice being largely adhered to in the submitted scheme,
 - The Council's own Green Belt assessments and site context not used to inform its decision, and
 - Incorrect application of policy H5, Rural Exception Sites.

The response of the Council of Central Bedfordshire

4. The Council's response is based on the following:
 - It acknowledges that fifteen months elapsed from the date of validation to the date of decision. However, within this period eight time extensions were agreed by the applicant. The extensions were allowed on the understanding that the applicant would refine the scheme. Other matters such as the design of the turning head and viability could not be addressed through the submission of details required by a planning condition.

- The Council's five year housing supply position as of October 2024 was 5.05 years. Whilst appeal decisions found that the Council did not have a policy compliant housing supply position the Council retained a robust defence of this position.
 - The officer's delegated report demonstrates that significant weight was given to the provision of affordable housing and bungalows. The housing needs survey was considered as required by policy H5 and the Council's technical guidance.
 - In both sets of pre application advice the Council was clear that there remained concerns over the Green Belt and landscape impacts of the proposed scheme. A full assessment in light of the most recent Framework was made which accounted for Grey Belt.
 - The Council's landscape assessment was made with reference to the condition of the site before the unlawful works were carried out.
5. Finally, the Council consider that it worked proactively with the applicant and the officers report was clear in setting out all the issues used to inform its decision.

Reasons

6. The conclusions included in both sets of pre application advice were consistent in highlighting the Council's concerns regarding the location of the proposed scheme in the South Bedfordshire Green Belt and its potential adverse landscape impacts. The Council was also clear on the fact that the present condition of the site comprised unauthorised works which did not present a case for the site being identified as previously developed land. The applicant was therefore fully aware of the Council's concerns. The refusal is consistent with this.
7. Whilst a period of fifteen months for a scheme for three dwellings appears excessive it would seem that the time extensions were agreed by the applicant although there is no evidence before me to identify the reasons for these extensions.
8. I do not have before me the Council's own Green Belt assessment referred to by the applicant. I am therefore unable to understand whether this, if used by the Council could have led to a different conclusion on this issue. Instead, I regard the officer's pre application advice and delegated report to have been consistent on this issue. Grey belt was only introduced in December 2024 and the Council sought to consider the site in the context of the limited evidence relating to its lawful use given that this had changed since 2016 when the site was last visited by a Council officer. The appeal scheme for Sears Farm was for major development on a larger site which it would seem from my reading of the decision had a large area of land identified as previously developed. It is not comparable to the appeal site before me.
9. Policy H5 is clearly focused on Rural Exception Sites (RES) located outside Green Belts. The Council's approach to the application of this policy has been supported by Inspector colleagues in a number of recent decisions. This lends weight to the Council's interpretation of this policy. The Council accepts that the applicant's scheme was supported by a local needs survey; this weighed into the planning balance in the officer's report. I accept that the supporting text to policy SP4

supports affordable housing on RES in the Green Belt could lead to ambiguity but the Councils approach has been consistent.

10. The Council's HLS is a dynamic as sites are considered as deliverable or not leading to contrary positions within months of each other; this has occurred during the course of the pre application meeting through to the determination of the main appeal decision. The Council has been robust in its defence of its position despite my Inspector colleagues concluding a contrary position. However, at the time of its decision the Council, as evidenced in the officer's report, identified a five year housing land supply.
11. Finally, the officers report is clear that despite the Highway officer being satisfied with the proposed turning head, when considered overall in the context of the scheme, its location adjacent to the proposed parking and 3 dwellings was considered to adversely impact on the Green Belt and the landscape character of the area. This planning judgement balancing the advantages that the turning head could bring with the landscape and Green Belt impacts was appropriate.

Conclusions

12. For the above reasons, I do not consider that either individually or in combination the Council's actions amount to a level of unreasonable behaviour which have led to unnecessary costs which could justify a successful claim.

S Wilkinson

INSPECTOR