



Costs Decision

Site visit made on

Site visit made on 2 September 2025 2 September 2025

by **R Gee BA (Hons) Dip TP PGCert UD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14th October 2025

Costs application in relation to Appeal Ref:

APP/P0240/W/25/3369394 APP/P0240/W/25/3369394

Wheatsheaf Barn, Mount Pleasant, Aspley Guise MK17 8JZ

- 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 P Childerley for a full award of costs against Central Bedfordshire Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for conversion of Coach House to a one bedroom dwelling.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The Applicant alleges unreasonable behaviour on the basis that the Council failed to determine the application in a timely manner. They go on to state that the Council has failed to substantiate its objection and that they have failed that the Council failed to sufficiently apply the planning balance.
4. Unreasonable behaviour on the part of the local planning authority may include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations, acting contrary to, or not following well-established case law, or not determining similar cases in a consistent manner.
5. Based on the evidence before me, no explanation has been put forward by the Council in relation to the failure to determine the planning application in a timely manner. The Council's behaviour in this respect was unreasonable. However, for an award of costs to be made, that unreasonable behaviour needs to have resulted in unnecessary or wasted expense.
6. Once an appeal against non-determination has been made, the Council is unable to determine the application. In their appeal submissions the Council sets out clearly their analysis of the proposals and putative reasons for refusal. In this regard it is not unreasonable for a delegated decision to be made by council officers and is commonplace.

7. In doing so, the Council had regard to its adopted guidance and exercised their judgement when considering the proposal against the relevant planning policies. In respect of highway safety, the proposal would provide for a significant deficit in the available visibility splays, and a judgement was made in respect to the acceptability having regard to local highway conditions in the vicinity of the appeal site. In respect of the amenity space, the additional area of land that could be secured by condition was advanced during the appeal process. Whilst the Council do not explicitly refer to this area in their assessment of the available amenity space, I have found that the provision of this area would not overcome the reason for refusal given its divorced position away from the property.
8. The appellant submits that the Council failed to consider the matter of grey belt. However, the Council did not dispute that the proposal was not inappropriate development, and therefore whether the proposal comprises grey belt was not determinative to the assessment of the proposal. I therefore do not concur that the Council erred in this respect.
9. The Council has reached an alternative view on the acceptability of the scheme to the case presented to them. That is not unreasonable. In doing so, the presumption in favour of sustainable development was applied, as set out in paragraphs 6.3 and 6.4 of the Council's statement. However, in their judgment the benefits of the development were considered to attract limited weight and were clearly outweighed by the significant adverse impacts. As will be seen from my Decision, I concur with the Council in this regard.
10. Whilst I appreciate the situation may have caused frustration to the applicant, even if a decision had been made in a timely manner, this would not have avoided the need for the appeal. The appeal has been dismissed and therefore, the Council has not prevented or delayed development which should clearly be permitted, having regard to its development plan, national policy and any other material considerations.
11. In view of the above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG on either procedural or substantive grounds, has not been demonstrated. Accordingly, the application for costs is refused.

R. Gee

INSPECTOR