
Costs Decision

Site visit made on 4 November 2025

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 December 2025

Costs application in relation to Appeal Ref: APP/P0240/W/25/3366996

Land Opposite 54 Park Road, Moggerhanger, Bedford MK44 3RN

- 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 F Newberry for a partial award of costs against Central Bedfordshire Council.
 - The appeal was against the refusal of planning permission for erection of two (x2) four bedroom detached dwellings.
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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. The Appellant's case centres on the Council's failure to accept the under supply of housing land in the area, as determined by Inspectors in previous appeal decisions. In doing so, the Council did not engage Paragraph 11 of the National Planning Policy Framework (the Framework) and the "tilted balance", which might have led to a different decision outcome. On this basis they have in the applicant's view acted unreasonably, incurring wasted and unnecessary expense in this appeal.
4. The PPG makes it clear that a local planning authority is at risk of an award of costs if they persist in objecting to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable. Moreover, an award could be granted against the Council if it is not determining similar cases in a consistent manner.
5. At the application stage the applicant's Design and Access Statement, dated January 2025 indicated that the Council did not at that time have a 5 year housing land supply. No specific details of the supply position were given or any evidence alluding to the degree of the shortfall. The officer's report which followed in May 2025, indicated that the Council did have a housing land supply that amounted to 5.05 years. Accordingly, the Council did not engage Paragraph 11 of the Framework and apply the 'presumption in favour of sustainable development'.
6. The Council did not provide any details in the officer report why it came to a different position. However, it is noted from the appeal documents and evidence submitted with this application, that their supply position, was underpinned by

detailed evidence which depicts an evolving housing supply landscape, altered by changes in policy and the deliverability of schemes. Details which attempt to justify why they reached a different figure to Inspectors that determined appeals in the area around that time, have also been provided.

7. The complexity of this matter is highlighted further by the supply position changing once more, during this appeal. Both parties now agree that the Council lacks an up-to-date five-year housing land supply, although they remain divided on the extent of the shortfall.
8. I note the extensive evidence provided by the main parties which highlight opposing positions in respect of the Council's housing land supply. Yet in any event the harms to designated heritage assets in this case provide a strong reason for refusing the development, and in accordance with Paragraph 11 of the Framework I have not applied the 'tilted balance' in this case.
9. In this case, and although the officer report did not provide any detail or background to inform their housing supply position at the time the application was determined, I am satisfied with the details they have provided which substantiated their position.
10. Accordingly, I do not consider that the Council persisted in objecting to elements of the scheme found acceptable in other cases by Inspectors, whilst I consider it has been consistent in determining this scheme compared to similar cases.
11. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

R E Jones

INSPECTOR