



Costs Decision

Site visit made on 10 December 2025

by **S A Hanson BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date 06 January 2026

Costs application in relation to Appeal Ref: APP/P0240/X/25/3370896

Whistlebrook, Sewell Lane, Sewell, Bedfordshire LU6 1RP

- 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 Mr A Arber for a full award of costs against Central Bedfordshire Council.
 - The appeal was against the refusal of a certificate of lawful use or development for the enclosure of an undercroft.
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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 where a party has behaved unreasonably and has thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The appellant seeks a substantive award of costs relating to the merits of the appeal. They contend that, although it was accepted that the proposed works constituted an “alteration” falling within the scope of section 55(2)(a) of the Town and Country Planning Act 1990 (the 1990 Act), the Council failed to consider whether the alteration would “materially affect the external appearance of the building.” The appellant argues that this omission amounted to unreasonable behaviour, including acting contrary to case law, thereby necessitating the appeal and resulting in wasted expense.
4. The Council maintains that it did not act unreasonably. It submits that the Officer Report set out a full and reasoned justification for concluding that the proposal constituted development within the meaning of section 55 of the 1990 Act.
5. The Council identified the proposal as an extension to the dwelling. It concluded that the nature of the works fell within the scope of building operations defined under section 55(1A) of the 1990 Act, namely structural alterations and additions to a building. On that basis, the Council determined that the proposal met the definition of development. It did not consider the works to comprise the maintenance, improvement or other alteration of a building for the purposes of section 55(2)(a) of the Act.
6. By coming to this conclusion, the Council considered that an assessment of whether the works would materially affect the external appearance of the building was not required. Having characterised the works as enlarging both the scale and footprint of the dwelling, it concluded that they constituted an extension.

Accordingly, it was determined that the works proposed would be development for which planning permission was required.

7. Although the Council failed to assess whether the proposed development would fall within the categories of work excluded from the definition of development set out in s55(2) of the 1990 Act, in this case that is whether the proposed works would materially affect the external appearance of the building, I have found in my LDC appeal decision that the development would not have been lawful at the time of the application for that reason.
8. Section 195 of the 1990 Act makes clear that my role is limited to determining whether the refusal itself was well-founded, not the reasoning behind it. While the Council's approach contained a notable procedural defect, the refusal of the LDC has nevertheless been upheld. Accordingly, the appeal would have been necessary in any event, and it has not been demonstrated that the applicant has incurred unnecessary or wasted expense in connection with the appeal.

Conclusion

9. For the reasons given above, I conclude that unreasonable behaviour by Central Bedfordshire Council resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. An award of costs is therefore not justified.

S A Hanson

INSPECTOR