



Costs Decision

Site visit made on 13 January 2026

by **H Whitfield BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16th January 2026

Costs application in relation to Appeal Ref: APP/K0235/W/25/3374626

Tanglewood Keysoe Row East, Keysoe, BEDFORD, MK44 2JD

- 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 Mrs Natalie Somerville for a full award of costs against Bedford Borough Council.
 - The appeal was against the refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted for the conversion of existing timber barn workshop into residential property without complying with conditions attached to planning permission Ref 01/02434/FUL, dated 14th August 2002.
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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. Although costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceeding, behaviour and actions at the time of the planning application can be taken into account.
3. The PPG states that awards may be either procedural in regard to behaviour in relation to completing the appeal process or substantive, which relates to the planning merits of the appeal. This application is made on both grounds. Unreasonable behaviour on the part of a Council on procedural grounds may include a delay in providing information or other failure to adhere to deadlines. On substantive grounds, this 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.
4. The applicant submits that the Council has acted unreasonably by failing to issue a decision in a timely manner and preventing or delaying development which should clearly be permitted, having regard to national policy and guidance relating to conditions restricting permitted development rights and other material considerations. They contend that this has resulted in unnecessary and wasted time and expense in pursuing this appeal.
5. The evidence before me indicates that the Council requested various extensions of time to allow the decision to be made on the appeal application after the 8-week target

period. The final extension of time granted by the applicant was to 1st July 2025. This revised date was subsequently not met by the Council, which, following correspondence with the applicant, issued its decision on 4th August 2025. The evidence before me demonstrates that communication between the parties relied upon the applicant chasing the Council. While some of the applicant's questions were left unanswered, the Council explained the delay was due to amendments needing to be made to the officer's report before issuing. The Council also submits that initial delays were due to high caseloads due to staff shortages.

6. The Council did not respond to all of the emails from the applicant requesting an update to the application. However, some of the replies that were received indicated that the case officer was progressing the application and required additional time. There is limited guidance regarding the circumstances where an extension of time is required. However, the PPG¹ indicates that where it becomes clear that more time than the statutory period is genuinely required, then the local planning authority should ask the applicant to consider an agreed extension of time. Any such agreement must be in writing and set out the timescale within which a decision is expected. Whilst this does not deliver timely decision making and is frustrating to the applicant, I find that the Council has not acted unreasonably in this regard.
7. Furthermore, the Officer Report that has been produced clearly sets out why the Council has refused permission for the proposal. The report explains in detail why the Council considers the amendments to the conditions sought by the applicant to be unacceptable and clearly substantiates its reasons for refusal. While I have recommended that the appeal is allowed² and have therefore disagreed with the full extent of the Council's reasons for refusal, this is a matter of planning judgement. The Council has set out its reasoning for reaching a different conclusion in determining the application. While I do not agree with the entirety of that conclusion, I do not consider that the Council acted unreasonably in refusing the application. It follows that the applicant was not put to unnecessary or wasted expense in testing the Council's judgement at appeal and the expense involved in putting together the appeal would have been incurred even had the Council determined the application on time.
8. The restriction of permitted development rights does not preclude any development from occurring on the appeal site but instead allows the Council to retain control over the nature and extent of development in the interests of preserving the character and appearance of the appeal building and area. The Council has exercised its control in recently granting permission 25/01737/S73A and I have set out in my main decision how this does not indicate an inconsistent approach or unreasonable behaviour by the Council.

Conclusion

9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted. Consequently, the application for an award of costs is refused.

H Whitfield

INSPECTOR

¹ Paragraph reference ID: 21b-003-20140306

² Insofar as I have concluded that permitted development rights need not be restricted for sheds, greenhouses and the installation of hardstanding within the curtilage of the dwellinghouse.