
Costs Decision

Site visit made on 21 January 2026

by K Allen MEng (Hons) MArch PGCert ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 20th February 2026

Costs application in relation to Appeal Ref: APP/K0235/W/25/3376053

Rosemead, 57 Days Lane, Biddenham, Bedford MK40 4AE

- 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 and Mrs Tim and Sarah Foster for a full award of costs against Bedford Borough Council.
 - The appeal was against the refusal of planning permission for the demolition of existing dwelling and erection of a self/custom build new two storey 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 which has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. 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 procedural and substantive grounds.
3. The applicant's cost claim states that the Council acted unreasonably in the way that it determined the application by failing to consider material evidence, procedural inconsistency and inaccurate and incomplete analysis of the Arboriculture information.
4. While I understand the applicant's frustrations that the application was not determined within the statutory period and that the communication during the applications process was poor. I am satisfied that the Council informed the applicant of delays, after the appeal was lodged, the Council provided information in a timely manner.
5. The Council are not bound to accept amended information at any stage of the applications process. Despite, internal correspondence about potential means of resolving the outstanding issues, based on the information before me, I am satisfied that accepting the amended arboricultural information would have not altered the outcome of the application or prevented the submission of the appeal if they had considered it.
6. The applicant suggests that there was a lack of due diligence with regard to the arboricultural information and that the Council's reason for refusal in relation to the

neighbouring residents living conditions was marginal. However, the officer report provides clear reasoning, highlights potential issues and cites the development plan policies relevant at the time. Although I have reached a different conclusion to the Council in regard to these issues, the Council's case is well made and cannot be considered unreasonable.

7. Therefore, unreasonable behaviour, as described in the PPG, resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

K Allen

INSPECTOR