



Costs Decision

Site visit made on 17 March 2026

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 30 March 2026

Costs application in relation to Appeal Ref: APP/P0240/W/25/3375166 Land between 7 and 15 The Rye, Eaton Bray, Dunstable LU6 2BQ

- 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 Lisa and Samantha Taylor and Daniels for a full award of costs against Central Bedfordshire Council.
 - The appeal was against the refusal of planning permission for the erection of a 3 bedroom self-build dwelling.
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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 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 alleges that the Council's findings that the site did not fall within a village meant that it made an error of national and local policy and failed to properly weigh the factual circumstances on the ground. This, it is suggested, contributed to the refusal of the planning permission and the need for an appeal.
4. The appellant alleges that the Council was wrong to consider that the boundary wall was curtilage listed and that archaeological matters should have been dealt with by condition. The appellant considers that the Council elevated the heritage significance of the wall and should not have refused the application on archaeology grounds which incurred unnecessary and wasted expense.
5. The appellant alleges that a legal agreement had to be provided to address the reason for refusal relating to the Chiltern Beechwoods SAC, resulting in additional legal costs drawing up a unilateral undertaking, and chasing the Council's solicitors. The appellant comments that avoidable delays and a lack of cooperation resulted in unnecessary additional legal and resource costs.
6. It is suggested that the Council was not transparent with information regarding the delivery of self-build units and that even with over-delivery demand remains. It is suggested that the relevant reason for refusal was not fully substantiated or the reasoning transparent.

7. The appellant alleges that uncertainty between officers and members regarding housing land supply altered assumptions within the Council's decision making and planning balance, and that the outcome could have been materially different.
8. In relation to whether the site falls within a village, the officer report clearly examined all the factors, including case law, and assessed the situation on the ground. All these matters have been fully explored in my decision, including reference to other appeal decisions, and I have found that the Council was correct in reaching its decision on this matter.
9. The appeal site, including the historic boundary wall, contributes to the agricultural setting of the listed farmhouse. This matter was examined in the officer report and in the reason for refusal. Whether or not the boundary wall constitutes a curtilage listed building is not relevant to this assessment. In relation to archaeology, given the potential for the site to contain archaeological deposits, the Council was correct to require a further archaeological assessment. It appears that the Council requested this information on several occasions, including at pre-app. Although the archaeological assessment was not provided until the appellant submitted the appeal, the Council helpfully commented on this document at this late stage and withdrew this reason for refusal, subject to condition. Without this document, it would not have been appropriate to attach a condition, as without the assessment the site's archaeological potential was not fully understood.
10. Although there may have been delays with the Council processing the Unilateral Undertaking (UU), the Council has explained the reasons for some of these delays and the Council's timescale for completing it appeared reasonable. Since the Council's mitigation strategy requires a UU to secure contributions, the costs in preparing this document were required in any event. Given the complexity in drawing up and agreeing such a document, I find that these costs and the timescale were not unreasonable.
11. The issues relating to self-build were documented in the Council's officer report and consultation response from the self-build officer, and the information appeared to be publicly available. There is little to suggest that the Council was not transparent, and the matter appeared properly considered in its decision.
12. In relation to housing land supply, the officer report was clear about the housing figures at the time of making the decision. Subsequently, several appeal decisions challenged these figures and the Council's appeal statement conceded the lower housing land position, albeit it only fell just below the 5-year threshold. Nevertheless, it seems to me that the Council acted reasonably with the change of position but, in any event, either of the quoted housing figures would not have led to a different outcome in this appeal.
13. Drawing all of the above together, the reasons for the refusal set out in the Council's decision notice are complete, precise, specific and relevant to the application. It also clearly states the policies of the development plan and guidance in the Framework that the proposal would conflict with. These reasons have been adequately substantiated by the Council in its officer report and appeal statement. The Council also took account of additional information submitted with the appeal statement and it updated its position and withdrew several reasons for refusal. It therefore reduced the matters of dispute for the purposes of determining the appeal.

14. Accordingly, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme, and therefore the appeal could not have been avoided. The Council had reasonable concerns about the impact of the proposed development which justified its decision. The appellant had to address those concerns in any event.
15. Therefore, having regard to all matters raised, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

G Bayliss

INSPECTOR