



Costs Decision

Inquiry opened on 20 January 2026

Site visit made on 20 January 2026

by **G Rollings BA(Hons) MAUD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th April 2026

Costs application in relation to Appeal Ref: APP/P0240/W/25/3372878

Land South of Steppingley Road, Flitwick, Bedfordshire

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Persimmon Homes (Midlands) Ltd for a partial award of costs against Central Bedfordshire Council.
 - The inquiry was in connection with an appeal against the refusal of planning permission for a full application for the erection of 170 dwellings including new access roads, landscaping, open space, SUDS attenuation and other associated infrastructure and engineering works.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

The submissions for Persimmon Homes (Midlands) Ltd ('the applicant')

2. The costs application was submitted in writing. No additional points were made orally at the Inquiry, and the applicant made no rebuttal to the Council's response.

The response by Central Bedfordshire Council

3. The response was submitted in writing, and no additional points were made orally at the Inquiry.

Reasons

4. 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.
5. As set out by the applicant, the appeal proposal related to development on an allocated site which it considered to accord with the development plan. Following the Council's refusal of the application, the appeal was lodged. During the course of the appeal, the Council withdrew its reasons for refusal and confirmed that it would no longer contest the appeal.
6. The PPG provides examples of how a Council's handling of a planning application prior to an appeal might justify an award of costs. Some of these include preventing development which should be permitted in accordance with the development plan, generalised assertions about a proposal's impact, which are unsupported by

- objective analysis, refusing permission when suitable planning conditions could enable the proposal to go ahead, and withdrawing any reason for refusal.¹
7. In a report to the Council's Development Management Committee (DMC), officers recommended approval and provided clear, accurate, and detailed evidence in support of that recommendation. While the DMC is entitled to reach its own decision after considering all evidence, including representations from interested parties, it nevertheless refused the application for four reasons, contrary to officer advice.
 8. The first reason for refusal asserts that the proposed development would result in severe residual cumulative impacts on the road network. This is not supported by the transport assessment or any other robust evidence, and directly conflicts with officer advice that no severe transport-related impacts would arise. The second reason alleges unacceptable strain on Flitwick Wood arising from increased visitor numbers. Again, this is unsupported by robust evidence and contrary to the advice of officers, who considered that a proposed management strategy would adequately mitigate any such pressures. Further, there is no evidence that the DMC considered whether planning conditions could address its specific concerns in relation to this matter, despite the recommendations of the management strategy.
 9. I find that these two reasons for refusal are unsupported by objective analysis and, in the case of the second reason, relate to matters capable of being addressed by conditions. In issuing these reasons without sufficient or reasoned justification, the Council acted unreasonably.
 10. The third reason for refusal is founded on an assessment of the landscape and potential harm. It considers the proposal to be contrary to adopted policy, and it provides clear justification of this decision. Despite being in conflict with officer advice, the inherently judgment-based nature of landscape and qualitative spatial assessment allows for reasonable variation in professional conclusions.
 11. The fourth reason concerns the absence of a completed legal agreement and the resulting failure to mitigate development impacts or comply with adopted planning policy. This accurately reflects the parties' positions at the time of the decision. I do not consider these two reasons to be unreasonable.
 12. However, in withdrawing the third reason in addition to the first two, the Council acted unreasonably. In its response to the applicant's submissions, the Council does not attempt to justify its decision to refuse planning permission.
 13. The applicant incurred costs in preparing and pursuing the appeal, but I both parties' acceptance that the Council's timely review of its appeal case is likely to have reduced both the potential length of the Inquiry and the appellant's potential costs burden. On 3 November 2025 the Council issued formal written notice that it would not be defending its reasons for refusal nor contesting the appeal, and the applicant's application is for costs incurred up to this date. I consider this to be justified. Nonetheless, prior to this date, the applicant incurred costs in both preparing the appeal and amplifying its case in advance of the Inquiry.

¹ PPG ref: 16-047-20140306 and 16-049-20140306

14. Therefore, for the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred in respect of the applicant's costs in pursuing the appeal, and a partial award of costs is therefore warranted.

Costs Order

15. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Central Bedfordshire Council shall pay to Persimmon Homes (Midlands) Ltd, the costs of the appeal proceedings described in the heading of this decision, limited to those costs relevant to its participation in the appeal up to and including the date of 3 November 2025; such costs to be assessed in the Senior Courts Costs Office if not agreed.

The applicant is now invited to submit to Central Bedfordshire Council, to which a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Glen Rollings

INSPECTOR