



Costs Decision

Site Visit made on 22 September 2026

by **J Whitfield BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23rd October 2026

Costs application in relation to:

Appeal A Ref: APP/K0235/C/26/3378548

Appeal B Ref: APP/K0235/C/26/3378549

Land known as Struttle End Farm, Renhold Road, Ravensden, Bedford MK44 2RH

- The application is made under the Town and Country Planning Act 1990 (the Act), sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Jonathan Erven and I Want Storage Ltd for a full award of costs against Bedford Borough Council (the LPA).
 - The appeal was against an enforcement notice alleging without planning permission, the material change of use of the land for the stationing of ISO containers for use as a self-storage facility and the installation of hardstanding.
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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.
3. The application is made on the basis of three grounds. Firstly, that the LPA behaved unreasonably in failing to investigate fully all those who are occupiers or have a material interest in the Land prior to issuing the enforcement notice. Secondly, that the LPA did not realise the plan attached to the notice was incorrect and producing a new one with the appeal three months after the notice was issued. Finally, that the LPA failed to correctly identify the Land on which the breach of planning control had taken place, as the applicants argue that the Land included a wider area than where the breach had occurred.
4. Dealing with the last point first, that is a matter which the applicants raised on the appeal. Since the appeals were successful on ground (e) and the notice quashed accordingly, there was no reason for me to go on to consider such matters and indeed the matter as to whether the LPA had correctly identified the Land where the breach of planning control had appeared to have taken place. To that end, I have not come to a view on that matter and thus cannot agree whether or not that equated to unreasonable behaviour. Even if I were to have done so and found in favour of the applicants, the LPA substantiated their case on that matter on appeal, such that its behaviour in pursuing that approach was not unreasonable.
5. In respect of the second point, whilst it is regrettable the LPA did not realise its error until it reviewed the notice at appeal stage, I do not consider it was unreasonable behaviour. Ultimately, the LPA identified the issue at such a point in

time that the applicants had the opportunity to comment on the matter. Moreover, as can be seen from the appeal decisions, I consider it was an error with the enforcement notice that could have been corrected without injustice, albeit without reference to the substitute plan proffered by the LPA.

6. Finally, in respect of the first point, I note that the LPA has substantiated in its evidence to the appeals its reasons why it believes those persons do not constitute occupiers or indeed persons with a material interest in the Land and thus why it believes the notice was served in accordance with S172(2) of the Act.
7. However, in issuing a Planning Contravention Notice which only asked the questions it did about ownership, to my mind the LPA failed to suitably investigate potential occupiers and persons with an interest in the Land. There is no indication that the LPA identified those persons and then decided they did not constitute occupiers or persons with a material interest in the Land such that they need not be served with a copy of the notice. Rather, it appears the first time the LPA considered the question as to whether they should have been served with copies of the notice was when the appellant raised the issue at appeal stage. In my view, that failure to carry out adequate prior investigation constituted unreasonable behaviour.
8. However, even if it had identified those persons beforehand, the LPA has substantiated its reasons on appeal why those persons need not have been served with a copy of the notice under S172(2) of the Act. To that end, even though I disagreed with the LPA's case, I cannot see how the outcome of the applicants bringing an appeal on ground (e) would have been any different. The substance of the ground (e) appeal would still have been a matter for me to consider as I have done. In essence, the appeal would not have been avoided by more diligent investigation on the LPA's part. To that end, unnecessary or wasted expense as a result of the unreasonable behaviour I have identified has not been incurred by the applicants and an award of costs is not warranted.

J Whitfield

INSPECTOR