The Planning Inspectorate

Costs Decision

Site visit made on 6 June 2017

by J E Tempest BA(Hons) MA PGDip PGCertHE MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 July 2017

Costs application in relation to Appeal Ref: APP/Y3940/W/17/3166998
82 Springfield Close, Corsham SN13 0JR

- 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 James Ayrton for a partial award of costs against Wiltshire Council.
- The appeal was against the refusal of the Council to grant planning permission for the erection of a dwelling and garage.

Decision

1. The application for an award of costs is refused.

Reasons

2. 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 expense in the appeal process.

3. A previous appeal relating to a similar proposal on the site was dismissed in May 2016. The application for costs is made on a substantive basis, specifically that the Council behaved unreasonably in persisting in objections to elements of a scheme which an Inspector had previously indicated to be acceptable. Also that the Council prevented or delayed development which should clearly have been permitted and has failed to take the Inspector's decision letter into account.

4. The Council refused the current appeal proposal for two reasons, one relating to the character and appearance of the area, and the other relating to living conditions for neighbouring residents. Both of these issues were addressed in the May 2016 appeal decision. The appeal scheme which I have determined differs from the scheme which was before the Inspector in 2016. These differences are summarised in my decision letter on the appeal.

5. The applicant has not set out in terms that part of the Council's decision for which an award of costs is sought. However, the Inspector in the previous appeal found that the proposal would not harm the living conditions for neighbouring occupiers and I have treated the application for a partial award of costs as relating to this matter. The proposal before me varied the position of the proposed building on the site from that shown in the 2016 decision. It was therefore reasonable for the Council to assess the impact of the proposal on occupiers of neighbouring properties again. Whilst I have not agreed with the Council's findings on this matter, this does not amount to unreasonable behaviour on the Council's part.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense as described in the Planning Practice Guidance has not been demonstrated.

J E Tempest

INSPECTOR