
Costs Decision

Site visit made on 25 July 2017

by R J Marshall LLB DipTP MRTPI

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

Decision date: 5 September 2017

**Costs application in relation to Appeal Ref: APP/Y3940/W/17/3174456
Land opposite Glenmore Farm, (The Ham), Westbury, Wiltshire, BA13 4HQ**

- 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 Wiltshire Council for a full award of costs against Mr Barrie Tugwell.
 - The appeal was against the refusal of planning permission to build a detached house and double garage with new vehicular access.
-

Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The Council submitted a cost claim in writing. No response was made by the appellant.
4. Costs may be awarded where development is clearly not in accordance with the development plan, and no other material considerations are advanced that indicates the decision should have been made otherwise, or where other material considerations are advanced, there is inadequate supporting evidence.
5. The proposed development is contrary to Core Policies 1 and 2 of the Wiltshire Core Strategy (CS) (2015) because it is outside the settlement boundary for Westbury. However, the appellant provided evidence that permission should nevertheless be permitted on, amongst other things, the proximity of the site to the boundary and dwellings within it and the design of the proposed house to blend in with development outside the boundary. Reference was also made to the location of the site relative to Westbury and the West Wiltshire trading estate.
6. In light of the above, notwithstanding that the Council has in the past refused permission for similar applications on the site, I consider that the appellant provided information sufficient to make a respectable enough case for going to appeal not to be unreasonable.

7. I therefore find that unreasonable behaviour resulting in unnecessary and wasted expense, as described in the PPG, has not been demonstrated and that an award of costs is not justified.

R J Marshall

INSPECTOR