

Costs Decision

Site visit made on 5 December 2017

by G P Jones BSc (Hons) MA MRTPI

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

Decision date: 18th December 2017

Land at No 31 Charles Street, Corsham, Wiltshire, SN13 0AN

- 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 L Healy.
 - The appeal was against the refusal of planning permission for the erection of studio apartment (C3 Dwelling).
-

Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may only 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 Council's case for costs is based around its contention that the appellant has behaved unreasonably by making the appeal and by seeking a partial award of costs. In particular, the Council contends that the proposal subject to appeal was a close variant of a scheme, planning reference 16/03442/FUL, that had previously been refused planning permission, and the Council had advised the appellant that the proposal that is before me would be unacceptable prior to its submission.
 4. I consider that issues of design and the effect on the character and appearance of the locality and the effect on living conditions are, to a degree, subjective matters. Therefore whilst I have found in favour of the Council in this regard in my appeal decision I consider it reasonable for the appellant to have submitted another planning application, particularly since the original one was not appealed. Furthermore, the fact that the appellant has sought costs in connection with this appeal is allowed for within the legislation and does not, of itself, constitute unreasonable behaviour.
 5. In addition, the Council argues that by introducing new suggestions at the appeal stage regarding minor potential revisions to the detailing of windows and doors and the cladding materials the appellant has acted unreasonably. However, such amendments would be reasonably minor considerations within the context of the overall scheme. Some detailed matters of design are often addressed through the imposition of a suitably-worded planning condition in regard to external building materials. Therefore in proposing such amendments I do not consider that the appellant has acted unreasonably.
-

Conclusion

6. In conclusion, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. For this reason an award of costs is not justified.

GP Jones

INSPECTOR