

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 Mr L Healy for a partial award of costs against Wiltshire Council.
 - The appeal was against the refusal of planning permission for the erection of studio apartment (C3 Dwelling).
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Decision

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

Preliminary matter

2. The appellant has stated that the application is for a partial award of costs, but has not specified exactly which costs elements are being applied for, but I note that the accompanying statement references both of the Council's reasons for refusal.

Reasons

3. 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.
 4. Authorities are expected to produce evidence to substantiate each reason for refusal with reference to the development plan and all other material considerations, showing clearly why the development cannot be permitted.
 5. The appellant's case is based on the contention that the Council has behaved unreasonably by providing vague, generalised or inaccurate assertions about a proposal's impact, which are not supported by any objective analysis and has not determined similar cases in a consistent manner.
 6. The Council's first reason for refusal is based on the design of the proposed building and its effect on the character and appearance of the area. I consider that issues of design and visual impact are to a degree subjective matters of planning judgment and I have found in favour of the Council in this regard in my appeal decision.
 7. The Officer's report and the Council's Statement of Case have provided a robust and thorough analysis of the impacts of the proposal and its effect on the character and appearance of the area and on the living conditions of future
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occupants. The Council has adequately justified its position and provided reasons for refusal that are based on the guidance contained within the National Planning Policy Framework and the development plan. Therefore I do not consider that the Council acted unreasonably in refusing permission on these grounds.

8. In regard to the issue of consistency between decisions, the Council has indicated that the proposal would be for a two storey dwelling and that it is reasonable to expect a greater amount of private outdoor space than for the adjoining block of four flats that were considered in the planning application reference 15/03678/FUL. Furthermore, from the development subject to planning application 15/0368/FUL has been completed and thus now represents a new baseline context for the consideration of the proposal that is before me.
9. I consider that the Council's position in this regard has been adequately justified and a reason for refusal was provided that has cited relevant national guidance and development plan policy.

Conclusion

10. 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