



**Ministry of Housing,
Communities &
Local Government**

Kimberly Corps
Swindon Borough Council
Appeals Development Management
Wat Tyler West – Fifth Floor
Beckhampton Street
Swindon
Wiltshire
SN1 2JH

Our Ref: APP/U3935/W/16/3154437,
APP/U3935/W/16/3154441

13 June 2018

Dear Madam

**LOCAL GOVERNMENT ACT 1972, SECTION 250(5)
TOWN AND COUNTRY PLANNING ACT 1990, SECTIONS 78 and 320
APPEALS MADE BY AINSCOUGH STRATEGIC LAND LTD
AT LAND AT LOTMEAD FARM, SWINDON SN4 0SN
APPLICATION REFS: APP/U3935/W/16/3154437, APP/U3935/W/16/3154441**

APPLICATION FOR AN AWARD OF COSTS

1. I am directed by the Secretary of State to refer to the enclosed letter notifying you of his decision on the above named appeals.
2. This letter deals with Swindon Borough Council's application for a full award of costs against Ainscough Strategic Land Ltd. The application as submitted and the response of the Ainscough Strategic Land Ltd are recorded in the Inspector's Costs Report (CR), a copy of which is enclosed.
3. In planning inquiries, the parties are normally expected to meet their own expenses, and costs are awarded only on grounds of unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process. The application for costs has been considered in the light of the Planning Practice Guidance, the Inspector's Costs Report, the parties' submissions on costs, the inquiry papers and all the relevant circumstances.
4. The Inspector's conclusions and recommendations with respect to the application are stated at paragraphs CR20-47. The Inspector recommended that a full

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award of costs is justified on the basis that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated in that: appeals were made on the original schemes when there was no reasonable prospect of success, and; the appeal process was used to evolve the schemes, which was contrary to Procedural Guidance (CR42).

5. Having considered all the available evidence, and having particular regard to the Planning Practice Guidance, the Secretary of State agrees with the Inspector's conclusions in her report and accepts her recommendations. Accordingly, he has decided that a full award of costs, as specified by the Inspector at paragraph CR46-47 is warranted on grounds of unreasonable behaviour on the part of Ainscough Strategic Land Ltd.
6. Accordingly, the Secretary of State, in exercise of his powers under section 250(5) of the Local Government Act 1972 and sections 78 and 320 of the Town and Country Planning Act 1990, HEREBY ORDERS that Ainscough Strategic Land Ltd shall pay to Swindon Borough Council its costs of the inquiry proceedings, such costs to be taxed in default of agreement as to the amount thereof.
7. You are invited to submit to Ainscough Strategic Land Ltd details of those costs, with a view to reaching agreement on the amount. Guidance on how the amount is to be settled where the parties cannot agree on a sum is at paragraph 44 of the Planning Practice Guidance on appeals, at <http://tinyurl.com/ja46o7n>

Right to challenge the decision

8. This decision on your application for an award of costs can be challenged under section 288 of the Town and Country Planning Act 1990 if permission of the High Court is granted. The procedure to follow is identical to that for challenging the substantive decision on this case and any such application must be made within six weeks from the day after the date of the Costs decision.
9. A copy of this letter has been sent to Ainscough Strategic Land Ltd.

Yours faithfully,

Philip Barber

Authorised by the Secretary of State to sign in that behalf