
Costs Decision

Site visit made on 23 July 2019

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 20 August 2019

Costs application in relation to Appeal Ref: APP/Y3940/W/18/3217932 Forest View, Clay Street, Whiteparish, Salisbury, Wiltshire SP5 2ST

- 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 Mark Richards of Zelda Investment Limited for a full award of costs against Wiltshire Council.
 - The appeal was against the refusal of the Council to grant planning permission for two new dwellings.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may 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 applicant claims that the Council has acted unreasonably on grounds which are described as:
 - a) ignoring the findings in a previous appeal; and
 - b) ignoring a main reason for refusal on a previous planning application, and not indicating if a future application would fall foul of the same point of refusal.
4. Though not clearly specified, ground (a) clearly relates to appeal APP/Y3940/W/17/3173551, within which the Inspector considered the matter of rights of access to the site. Though the Inspector indicated that such matters were essentially for private consideration, the Council again raised the issue of access to the site within its reasons for refusal of the current appeal scheme.
5. The Council's officer report however clearly acknowledges that such rights are a private civil matter. In this regard the Council's reasons for refusal extend beyond this matter, and relate to the highways safety implications of a lack of future vehicular access to the site, with particular regard to parking. Though these concerns ultimately stem from the matter of access, I nonetheless accept that it was appropriate for the Council to consider potential broader consequences in its absence. As such the Council did not act unreasonably in raising these concerns.
6. Ground (b) appears to relate to consistency in decision making with regard to ecology. In this context the applicant references previously refused planning application 18/06027/FUL. This related to the existing bungalow and construction of a dwelling adjacent. Planning application 18/08738/FUL, which is also

referenced, is a further iteration of this previously refused scheme. This scheme is however not the scheme which is subject of the current appeal but a separate scheme. For this reason the Council's handling of these planning applications has little relevance to the current appeal, and as such does not qualify as a basis for a claim of costs.

Conclusion

7. For the reasons set out above I conclude that the Council did not act unreasonably on the grounds claimed by the applicant. As such it has not been demonstrated that the applicant incurred unnecessary or wasted expense in the appeal process. The application for costs is therefore dismissed.

Benjamin Webb

INSPECTOR