



Costs Decision

Site visit made on 12 July 2019

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 September 2019

Costs application in relation to Appeal Ref: APP/Y3940/W/19/3227466 Coronel Farm, Aldbourne, Marlborough, SN8 2JZ

- 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 Aldbourne Chase Estate for a full award of costs against Wiltshire Council.
 - The appeal was against the refusal of planning permission for alterations to and change of use of disused agricultural building to a flexible Class B1(c) (light industrial), B2 (general industrial) and/or B8 (storage) use.
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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 thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. Examples of unreasonable behaviour by local planning authorities set out in the PPG include failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The appellants referred to a planning permission for B8 storage which was approved after the proposal was refused. The appellant submits that the effects of the approved scheme and the proposal would be similar. The appellant contends that the subsequent approval therefore undermined the reasons for refusing the proposed development, and that the reasons for refusal were not properly substantiated.
5. I have only to consider whether the Council behaved unreasonably in dealing with the proposal, rather than to consider how it dealt with a subsequent planning application for which, in any case, I do not have the full details.
6. With reference to my accompanying decision, and despite accounting for the fall-back position at the site, I have agreed with the Council and found that sufficient grounds existed to dismiss the appeal. It therefore follows that the Council were able to substantiate its reasons for refusal.

7. Overall, I consider the reasons for the refusal set out in the decision notice are complete and precise, specific and relevant to the application and clearly state the Policies of the Wiltshire Core Strategy (2015) (CS) that the proposal would conflict with.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. As such an award of costs has not been justified in this case.

P D Sedgwick

INSPECTOR