



Costs Decision

Site visit made on 29 July 2019

by J Moss BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2019

Costs application in relation to Appeal Ref: APP/Y3940/W/19/3221277 Land to the rear of 88-89 High Street, Cricklade SN6 6DF

- 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 H M Baker Trust and Mrs S E Baker for a full award of costs against Wiltshire Council.
 - The appeal was against the refusal of planning permission for the erection of 2 no new dwellings.
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Decision

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

Reasons

2. Paragraph 030 of the Planning Practice Guidance on Appeals (the PPG) advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. Paragraph 049 of the PPG states that examples of unreasonable behaviour by local planning authorities include failure to produce evidence to substantiate each reason for refusal on appeal.
4. The applicants' costs application is made on the basis that the Council failed to present any objective evidence in support of the reason for refusal and in defence of that refusal at the appeal. The applicants suggest that the failure to provide a proper justification for the refusal of planning permission amounts to unreasonable behaviour; that planning permission should have been granted; and that the entire appeal process was unnecessary and avoidable.
5. The reason for the refusal set out in the decision notice is complete, precise, specific and relevant to the application. It also clearly states the policies of the Wiltshire Core Strategy (Jan 2015) and the Cricklade Neighbourhood Plan (Made March 2018) that are relevant to the reason for refusal.
6. I acknowledge that the Council's evidence on the main issue submitted in support of the reason for refusal is short. However, both the officer's report and the Council's appeal statement adequately explain the significance of the burgage plot layout and its contribution to the setting of the associated heritage assets. The Council's appeal statement also identifies the significant weight it gives to their preservation.

7. In addition to this, the officer's report concludes that the development would cause harm to the setting of the heritage assets and the harm caused would be less than substantial. However, in considering the planning balance, members gave different weight to the relevant material considerations than the officer.
8. Ultimately, the decision is one that is a matter of judgement and I am satisfied that the Council has provided sufficient justification for their conclusions in this regard.
9. It follows that I cannot agree that the Council has acted unreasonably in this case. As such there can be no question that the applicants were put to unnecessary or wasted expense.

Conclusion

10. I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in PPG, has not been demonstrated. Accordingly, an award for costs is not justified.

J Moss

INSPECTOR