



Costs Decision

Site visit made on 16 July 2019

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2019

Costs application in relation to Appeal Ref: APP/Y3940/W/18/3216407 Normanton House, West Amesbury, Salisbury SP4 7BJ

- 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 and Mrs S Connolly for a full award of costs against Wiltshire Council.
- The appeal was against the refusal of the Council to grant subject to conditions planning permission for Outbuilding Conversion to Home Office/Studio.

Decision

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

Reasons

2. The Planning Practice Guidance¹ (the PPG) advises that costs may be awarded where a party has behaved unreasonably and thereby directly caused another party to incur unnecessary or wasted expense in the appeal process. The PPG² lists different types of behaviours which may give rise to a substantive award against local planning authorities.
3. The applicants claim that the Council acted unreasonably, by referring to the appeal building as an open-sided barn. The applicants also question the Council's assessment, which concluded that the building was not being capable of conversion without significant new build/modification. It is argued that the Council relied on Core Strategy policies which are either not directly applicable or which do not, in principle, preclude the development proposed. Furthermore, the applicants consider that the harm which the Council identified to rural character and visual amenities is false and non-substantiated.
4. Regardless of the terminology used by the parties to refer to the appeal building, there is no doubt that the structure, and the alterations proposed were correctly identified and assessed by the Council. Having regard to the evidence before me, the Council's decision did not rely on the appeal decision, which was later mentioned within their Appeal Statement. The Council explains that this decision was only brought to the attention of the applicants' agent to illustrate how conversion works were being considered as part of prior approval appeals for the change of use of agricultural buildings to dwellinghouses.
5. Within the Case Officer's report and Appeal Statement, the Council explained the reasons why, in their opinion, planning permission should be refused, having regard to local and national planning policy. I therefore consider that

¹ Paragraph: 030 Reference ID: 16-030-20140306.

² Paragraph: 049 Reference ID: 16-049-20140306.

the Council's decision was appropriately justified, particularly in respect the extent of the building works required and the harm to the rural character and visual amenities of the area. For these reasons, I find that unreasonable behaviour or wasted expense, as described in the PPG, has not been established. On this basis, an award of costs is not justified.

S Edwards

INSPECTOR