
Costs Decision

Site visit made on 27 August 2019

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2019

**Costs application in relation to Appeal Ref: APP/Y3940/W/19/3223526
Land North of 146 Upper Westwood (Junction with Iford Road, Northeast
to Westwood Park), Wiltshire BA15 2DE**

- 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 & Mrs John Blake for a full award of costs against Wiltshire Council.
 - The appeal was against the refusal of planning permission for the "Provision of one self-contained camping pod with parking, change of use of land to leisure / tourism (resubmission of 17/02852/FUL).
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Decision

1. The application is refused.

Reasons

2. Planning Practice Guidance 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. Planning Practice Guidance states that examples of unreasonable behaviour by local planning authorities 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 applicant states that there was a lack of evidence and policy support for the Council's reasons for refusal. However, I found the reasons for refusal and the subsequent statements from the Council to be sufficiently thorough and reasoned, concluding against planning policy. Also, as you will be aware, I have dismissed the appeal based on the evidence before me.
5. I recognise that the decision by the Council Planning Committee went against Officer recommendations, but that is the right of the Committee to do so. This is not an example of unreasonable behaviour.
6. Comments by the applicant has made clear that after negotiations this decision by the Committee was made, but as I have made clear above, the reasons have been made sufficiently clear and assessment made against planning policy.

7. There may have been delays with the planning application process, but I do not have substantive evidence that this was as a result of unreasonable behaviour by the Council or if the process without the delays or with better communication would have led to a different decision by the Planning Committee.
8. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

S. Rennie

INSPECTOR