
Costs Decision

Site visit made on 25 September 2019

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th November 2019.

Costs application in relation to Appeal Ref: APP/Y3940/W/19/3232092 4A The Crescent, Hill View Road, Salisbury SP1 1HY

- 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 G Mundy for a full award of costs against Wiltshire Council.
 - The appeal was against the refusal of planning permission for the reversion of 4A and 4B The Crescent to a single dwelling including side/rear extension.
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Decision

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

Reasons

2. Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The application essentially relies on the fact the Council Officers recommended that planning permission be granted for the proposal, but that the Council Members took a different course of action by refusing the application. This, in the appellant's view, amounts to unreasonable behaviour and resulted in unnecessary and wasted expense being incurred.
4. While the Council is not duty bound to follow the advice of its professional officers, if a different decision is reached the Council must clearly demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence to substantiate that reasoning.
5. In this case, in reaching their decision Planning Committee members were presented with the officer's report which included details of the proposal and background information relating to previously determined cases at the site. They were also presented with photographs and heard the concerns of third parties. The opportunity to ask technical questions on the case was given and the Council has evidenced this in their appeal documents.
6. The Committee's resolution provided clear wording on the concerns in respect of the proposal's impact from parking, the design and conservation area. The reasons for refusal also reflect the concerns raised during the discussion of the case at the Planning Committee, whilst also indicating which development plan policies would be breached. The appeal has given the Appellant the opportunity

- to test the member's decision by submitting evidence before me. As a consequence, planning permission has been granted, subject to conditions to address the concerns of the Council and third parties. There is therefore no evidence that the costs of doing so were wasted.
7. Accordingly, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision. The appellant had to address those concerns and the evidence of third parties in any event. Furthermore, having assessed the evidence submitted by the appellant in addressing the Council's reasonable concerns, I do not consider that unnecessary expense was incurred on the Appellant.
 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.

R. E. Jones

INSPECTOR