The Planning Inspectorate

Costs Decisions

Site visit made on 22 November 2019

by A L McCooey BA MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 December 2019

Costs application in relation to Appeals Ref: APP/U3935/Y/19/3228124 & APP/U3935/W/19/3228125
2 Westleaze, Mill Lane, Swindon, SN1 4HG

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5) and 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 Richard James for a full award of costs against Swindon Borough Council.
- The appeals were against the refusal of listed building consent and planning permission for: Existing building to be converted to form an annexe as ancillary accommodation to main residence (amended proposal).

Decision

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

Reasons

2. The Planning Practice Guidance 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. The appellant's claim rests solely on the fact that an extension of time to allow further discussions on the proposal was not allowed by the Council. The Council has supplied copies of correspondence indicating its continued objection to an external staircase and new dormer or door in the roof as part of an earlier scheme and as part of the appeal proposals. From the evidence before me it is unlikely that an extension of time would have resulted in any different outcome to the decisions. In these circumstances, the Council has acted in a consistent manner and I fail to see how it has behaved unreasonably.

4. The appellant makes a point regarding the Conservation Officer's advice being incorrect in that he stated that the appeal proposals and an earlier approved scheme could both be implemented. As this related to the retention of internal fittings associated with the stables, it did not overcome the Council's principal objection to the external stairs and new door. This point, even if true, does not alter my conclusions on the application for costs.

5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

A L McCooey

Inspector