
Costs Decision

Site visit made on 21 January 2020

by Tim Belcher FCII, LLB(Hons), Solicitor (Non-Practising)

An Inspector appointed by the Secretary of State

Decision date: 4 February 2020

Costs application in relation to Appeal Ref: APP/Y3940/C/19/3233343 7a Kennet Gardens, Bradford-on-Avon, BA15 1LT

- The application is made under the Town and Country Planning Act 1990, Sections 174, 322 and Schedule 6, and the Local Government Act 1972, Section 250(5).
 - The application is made by Melanie Towns ("the Applicant") for a full award of costs against Wiltshire Council.
 - The appeal was against an Enforcement Notice alleging without planning permission, operational development comprising a grey metal building which was shown in the photograph attached to the Enforcement Notice.
-

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 Applicant seeks costs principally on the basis of the Grounds (b) and (c) appeals i.e. that the Council should not have issued the Enforcement Notice because there had been no breach of planning control. I have explained in the Appeal Decision:
 - a) Why I consider the appeal on those grounds to be without merit.
 - b) That I am aware that at one point a Council Officer agreed with the Applicant's view that planning permission was not required for the building (the subject of the Enforcement Notice). However, that view was reviewed by a Senior Officer following a site visit and he came to an alternative assessment. I do not consider that the change of opinion by the Officers amounts to unreasonable behaviour.
4. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Tim Belcher

Inspector