
Costs Decision

Site visit made on 26 May 2020

by JP Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th June 2020

**Costs application in relation to Appeal Ref: APP/Y3940/W/20/3244117
Ganders, Heath Farm Lane, Chapmanslade, Westbury, Wiltshire BA13 4AN**

- 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 Wiltshire Council for a full award of costs against Mr and Mrs M Gee.
 - The appeal was against the refusal of planning permission for change of use of agricultural building to live/work unit and change of use of The Potting Shed to tourist accommodation.
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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 Council claim that the appellants acted unreasonably by trying to redefine a residential unit and an agricultural small holding as a live/work unit. They also suggest that the works to convert the building to residential have been understated. Finally, the submitted photographs are suggested as misleading.
4. The appellants explained the activities on the holding and also the relationship with the residential element. Live/work units are a recognised use in the planning system. Moreover, the appellants strived to justify their proposal on the basis of the National Planning Policy Framework and Core Policy 48 in particular of the Wiltshire Core Strategy. Although I found in the main appeal Decision that there was insufficient justification, nonetheless a case was made.
5. There is dispute between the parties on the planning history relating to the holding and the buildings. The small holding has evolved incrementally over time and inevitably the full extent of information may not have been communicated between the parties. In any event such matters are usually a matter of judgment rather than precision and the differences of opinion are understandable.
6. The subject of this proposal is the change of use of the two buildings, not their erection or retention. I have found that the details of how these two buildings have been converted is not fundamental to this case, rather the buildings at this current time and their proposed use are the more critical matters.

Consequently, the disputed extent of the work and photographs whilst being a consideration have not been fundamental.

Conclusion

7. I therefore find that unreasonable behaviour as described in the Planning Practice Guidance has not been demonstrated and an award of costs is not justified.

John Longmuir

INSPECTOR