
Costs Decision

Site visit made on 29 June 2020

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

an Inspector appointed by the Secretary of State

Decision date: 27 July 2020

Costs application in relation to Appeal Ref: APP/Y3940/D/19/3240751 46 Shaftesbury Road, Wilton, Wiltshire SP2 0DR

- 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 Andy Price for a full award of costs against Wiltshire Council.
 - The appeal was against the refusal of planning permission for a second floor extension to create home office.
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Decision

1. The application for costs 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, through the language used by the Council Case Officer displayed bias towards the proposal, which was refused. I have read the Council report and all evidence, but I am not persuaded that it demonstrates a bias where the Case Officer was trying to find a reason to refuse the application. At the time of writing the report the Case Officer would likely have known whether the application was to be refused and there is no substantive evidence that leads me to believe there was some sort of initial bias that led to the refusal. Furthermore, I note that the use of the word 'unfortunately' was directed at objecting neighbours to the proposal.
5. Indeed, I have found the Council report as clear and sufficiently detailed, with the reason for refusal set out against planning policy, which is reasonable behaviour. I am not persuaded that some sort of bias led to the refusal of the application which should otherwise have been approved.
6. Overall, I 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