
Costs Decision

Site visit made on 28 July 2020

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 September 2020

Costs application in relation to Appeal Ref: APP/Y3940/W/20/3251475 The Barn, Purkini Farm, Stoke Common Lane, Purton Stoke, Swindon SN5 4LL

- 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 Giles for a full award of costs against Wiltshire Council.
 - The appeal was against the refusal to grant approval required under Schedule 2, Part 3, Class Q, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for change of use of an agricultural building to a single dwellinghouse (Use Class C3) and for associated operational development.
-

Decision

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

Reasons

2. The National Planning Practice Guidance (PPG) 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 or wasted expense in the appeal process.
3. PPG also provides examples of unreasonable behaviour by local planning authorities. These include not determining similar cases in a consistent manner, the failure to produce evidence to substantiate reasons for refusal, and vague, generalised or inaccurate assertions unsupported by objective analysis as well as preventing or delaying development that should have been permitted.
4. The applicant submitted information in support of their case. However, there was a third-party comment to the contrary, and observations made by Council officers during visits to the site. The Council were required to consider this evidence as well as that provided by the appellant. While an objective analysis of the relevant matters is required, there will inevitably be an element of subjectivity. That the main parties disagree over the matters in the planning judgement is not uncommon and does not imply one party has been unreasonable. While I have not agreed with the Council's decision, they have provided a reasoned justification as to how they reached it.
5. Costs can be awarded where a Council has not determined similar cases¹ in a consistent manner. There is limited information provided with regard to other

¹ 19/07548/PNCOU and 19/04212/PNCOU

cases in the area highlighted by the appellant. While there appears to be some similarity, being for Part Q conversions, each case will be assessed on its own individual merits. While I do not have full details of the other schemes, the Council indicate that there were no third-party comments or previous visits to the site that disputed the applicant's evidence in those cases. Therefore, the appeal proposal is materially different, and the evidence before me does not demonstrate that the Council have been inconsistent.

6. As a result, it follows that I cannot agree that the Council has acted unreasonably in this case in a way that has put the applicant to unnecessary or wasted expense.

Conclusion

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

Stuart Willis

INSPECTOR