
Costs Decision

Site visit made on 17 August 2020

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

an Inspector appointed by the Secretary of State

Decision date: 3 September 2020

Costs application in relation to Appeal Ref: APP/Y3940/W/20/3250058 Land at Glyndene, No 8 Fiddington Hill, Market Lavington SN10 4BU

- 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 Mrs C. House (Berkswell Properties Ltd) for a full award of costs against Wiltshire Council.
 - The appeal was against the refusal of planning permission for the construction of one detached house with associated siteworks with access from The Paddock.
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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 proposal was refused by Planning Committee, against the recommendations of the Council Planning Officer. However, this is their right to do so as part of the democratic process and the decision made is therefore the final decision of the Council. I recognise that there was a pre-application submitted to the Council with subsequent amended plans. I also note that this proposal followed a withdrawn application previously. Though this clearly led to the applicant being confident that the application would be approved, it was for the Planning Committee to decide and their conclusion was to refuse the planning application. It may be that the Members did not visit the site, but there is no substantive evidence before me that the information they did have was not sufficient for them to make a sound and balanced decision. I do not regard this process as being an example of unreasonable behaviour.
5. The reasons for refusal were then set out in the Notice of Decision and further explanation provided with the Council Statement of Case. I have found the refusal reasons sufficiently clear and concluded against planning policy.

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