
Costs Decision

Site visit made on 1 September 2020

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

an Inspector appointed by the Secretary of State

Decision date: 15 October 2020

Costs application in relation to Appeal Ref: APP/Y3940/W/20/3254378 Ivy House Lakes, Whitehill Lane, Grittenham, Wiltshire SN15 4JU

- 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 Harvey Lloyd Fisheries for a full award of costs against Wiltshire Council.
 - The appeal was against the refusal of planning permission for the development of the conversion of a redundant agricultural building to two dwellings and associated works.
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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 the Council has not based their decision on substantive evidence. However, I have found the refusal reason sufficiently clear and concluded against planning policy. Whilst the applicant included reports from experts in their fields, it is not unreasonable for the Council to come to a different conclusion. The Council, with their assessment on the matters of landscape impact and the possible use of the building for tourism, for example, sufficiently explained and reasoned their conclusions, even though I have come to a different opinion to the Council on these matters.
5. The Council has made clear that it cannot currently demonstrate a sufficient housing land supply, but it has considered that even with the 'tilted balance', the harm would significantly outweigh these benefits. The provision of housing and reuse of the barn are clear benefits in this case, for example, but I do not regard it as unreasonable for the Council to still conclude that the development should be refused planning permission. Furthermore, whilst the Council will have been aware of the Class Q of the GDPO provisions, they have made their decision on this planning application based on Development Plan policies, which

I have found to be in general accordance with the National Planning Policy Framework.

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.

Steven Rennie

INSPECTOR