
Costs Decision

Site visit made on 14 April 2021

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 13th May 2021

Costs application in relation to Appeal Ref: APP/Y3940/W/20/3264016 Workshop at Driffield, Brinkworth Road, Royal Wootton Bassett SN4 8DS

- 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 R Maxfield for a full award of costs against Wiltshire Council.
 - The appeal was against the refusal of planning permission for conversion of workshop premises for use as a self-contained dwelling (Class C3).
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Decision

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

Reasons

2. The Planning Practice Guidance¹ advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense.
3. The applicant submits that the Council has behaved unreasonably by not correctly applying the relevant development plan Policy, by not carrying out a realistic balance that takes into account the location of the proposal, by failing to give evidence of actual harm, and by not determining similar cases in a similar manner.
4. In its officer report the Council adequately describes the relevant Policies of the Wiltshire Core Strategy 2015 (WCS) and how they relate to the proposal. The Council is of the view that Policy 48 of the WCS is not relevant to the proposal. However, despite this position, in its officer report it goes on to say that the proposal would not comply in any case as it fails to adequately set out why the building could not be successfully put to other uses that are set out as more favourable within this Policy. Thus, I am satisfied that the Council has adequately explained how the proposal fails to accord with Policy 48.
5. The officer report demonstrates that the location of the appeal site relative to Royal Wootton Bassett was assessed by the Council, and that its position on this was expanded upon in its statement of case. Therefore, I am satisfied that the merits of the case were properly considered and that this matter was adequately substantiated by the Council during the appeal process.

¹ Planning Practice Guidance Paragraph 030 Reference ID: 16-030-20140306

6. In its statement of case the Council provided evidence to demonstrate how it has applied Policy 48 consistently, including references to those cases referred to by the appellant. In my appeal decision I found that the differences between the comparable sites put forward by the appellant were such that a different outcome would not be unreasonable.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

A Tucker

INSPECTOR