
Costs Decision

Site visit made on 20 April 2021

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 10th June 2021

Costs application in relation to Appeal Ref: APP/U3935/W/20/3262320 Land at Burytown Lane, Blunsdon, Swindon SN26 7DQ

- 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 L Wheeler for a full award of costs against Swindon Borough Council.
 - The appeal was against the refusal of planning permission for the erection of 2 no. dwellings together with associated ancillary development.
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Decision

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

Reasons

2. Planning Practice Guidance 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. In this case the appellant argues that the Council acted unreasonably in refusing to engage positively at planning application stage and making an inadequate assessment of the context and setting of the appeal site. The Council's case was said to be based on vague and generalised assertions and this led to the refusal of a proposal which should clearly have been permitted and an unnecessary appeal resulting in wasted expense.
4. However, the appeal proposal was contrary to the development plan due to its location outside the rural settlement boundary of the village and because of this objection in principle and its heritage concerns the Council's refusal to meet the applicant in this instance was not unreasonable. The Council's case was based on an accurate description of the site and substantive arguments relating to the proposal and whilst I have disagreed with its assessment and conclusions the pursuit of these at appeal stage was not unreasonable. The Council's view that it was not essential to enter the site is not significant as the decision as to whether it is necessary to do so is a matter for the Inspector.
5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Planning Practice Guidance, has not been demonstrated.

David Reed

INSPECTOR