
Costs Decision

Site visit made on 25 May 2021

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

an Inspector appointed by the Secretary of State

Decision date: 16 July 2021

Costs application in relation to Appeal Ref: APP/Y3940/W/20/3264240 29 The Rise, Calne, Wiltshire SN11 0LG

- 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 Wave Hill Property Ltd for a full award of costs against Wiltshire Council.
 - The appeal was against the refusal of planning permission for the change of use to a house in multiple occupancy containing 7 bedrooms.
-

Decision

1. The application for costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may 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. The PPG provides that Local Planning Authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, or by preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
3. The applicant states that the planning application should not have been refused and therefore the appeal was not necessary. The Council have acknowledged that a small HMO could be formed through permitted development, but they considered that the 7-bedroom HMO would increase impacts to a level that would be harmful. Whilst I have allowed the appeal, the reasons for refusal as set out by the Council are not vague but appropriately reasoned and concluded against planning policy. I do not regard their conclusions as amounting to unreasonable behaviour, even if I have made differing conclusions. This was the professional judgement of the Council Officers and the Highways Officer based on the evidence before them. There is no evidence that their judgement was unduly influenced in any way.
4. There could have been use of conditions, but the Council have explained why, in their judgement, that conditions would not have sufficiently addressed their concerns. I do not regard their judgement on this matter as unreasonable behaviour.

5. Therefore, I find that there has not been unreasonable behaviour which has caused unnecessary expense in this instance and the application for costs is refused.

S Rennie

INSPECTOR