



Costs Decision

Site Visit made on 20 July 2021

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2021

Costs application in relation to Appeal Ref: APP/Y3940/W/21/3268931 Rear Barn, Land at Devizes Road, Potterne, Devizes, SN10 5LN

- The appeal is made under section 78 of 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 Miss Amy Towill for a partial award of costs against Wiltshire Council.
 - The appeal was against the refusal of the Council to grant planning permission for the conversion and change of use from former storage building to single dwelling.
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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 be awarded against a party who has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. The application for costs relies to a substantial extent on how the Council reached its decision that the development should be refused and the conduct of the Council during its determination.
3. Whilst I appreciate the outcome of the application will have been a disappointment to the appellants, the Council were not unreasonable in coming to that decision from the information they had available to them. The concerns raised in the reason for refusal are apparent in the Committee Report which adequately sets out how the proposal, in the Council's opinion, would conflict with relevant adopted planning policies. Accordingly, I am satisfied that the Council's reasoning was credible and it was entitled to reach the decision it did.
4. The appellant has also expressed concerns regarding the Council's processing of the application. Whilst this might have caused the appellant some concern, I find nothing to suggest that a decision was reached other than on the basis of the merits of the proposal, as submitted by the applicant. I also find no evidence that the appellant incurred any additional expense as a result of this.
5. Accordingly, I do not find that the Council failed to properly consider the merits of the scheme and therefore the appeal could not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposal which justified its decision.

Conclusion

6. I therefore 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.

Tamsin Law

INSPECTOR