
Costs Decision

Site visit made on 4 January 2022

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 17 January 2022

Appeal Ref: APP/Y3940/D/21/3276828

Sunrise, Hindon Road, Teffont, Salisbury, Wiltshire SP3 5QU

- 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 and Mrs J Bladen for a full award of costs against Wiltshire Council.
 - The appeal was against a refusal of the local planning authority to grant planning permission for development described as access improvements to form vehicle access.
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Decision

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

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.
3. As set out in the PPG, costs can only be awarded in relation to unnecessary or wasted expense at the appeal, and cannot be claimed for the period during the determination of the planning application. Behaviour and actions at the time of the planning application can however be taken into account in consideration of whether or not costs should be awarded.
4. The applicants claims that the Council acted unreasonably on Grounds solely related to the period during determination and prior to the appeal. These I summarise as:
 - (a) the time taken to determine the planning application, including various administrative deficiencies such as delaying access to consultee comments;
 - (b) not properly assessing the scheme on site;
 - (c) failing to provide counter evidence;
 - (d) making inaccurate assertions;
 - (e) not following case law;
 - (f) failing to engage in pre-application discussion or to provide constructive advice;
 - (g) not behaving appropriately in relation to an enforcement investigation;

- (h) publishing personal details; and
 - (i) allowing the application to be called in.
5. In relation to Grounds (a), (g), (h) and (i), whether or not unreasonable behaviour occurred, this would not have had any obvious or direct bearing on the costs incurred in relation to the appeal. All therefore fail.
 6. In relation to all the remaining Grounds, the fact that I have dismissed the appeal on broadly the same basis as the application was refused by the Council, has an obvious bearing on my assessment. This is because, whether or not the Council's behaviour prior to the appeal was unreasonable on the Grounds claimed, its decision has been upheld.
 7. In this regard I see no evidence that the Council's concerns could have been overcome by further engagement, or that the appeal could have been avoided had the Council behaved differently. Nor were the Council's concerns incapable of being simply understood, notwithstanding obvious differences in opinion in relation to certain matters, some of which fall outside the scope of the appeal. That being so, and given that the decision to appeal was ultimately the applicants' choice, it follows that any costs incurred arise from this choice rather than the Council's behaviour. All other Grounds therefore fail.

Conclusion

8. For the reasons outlined above, I find that unreasonable behaviour resulting in unnecessary expense as described in the PPG, has not been demonstrated. I therefore conclude that the application for an award of costs should be dismissed.

Benjamin Webb

INSPECTOR