



Costs Decision

Site visit made on 01 02 2022 by S Maur

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th April 2022

Costs application in relation to Appeal Ref: APP/Y3940/D/21/3288708 10 Pickwick Road, Corsham SN13 9BP

- 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 & Mrs Harrington for a full award of costs against Wiltshire Council.
 - The appeal was against the refusal of planning permission for an external elevation and roof alterations together with replacement of rear conservatory for single storey rear extension.
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Decision

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

Procedure

2. An Appeal Planning Officer has set out the recommendation below, to which the Inspector has had regard before deciding the application.

Reasons

3. The Planning Practice Guidance (the Guidance) advises that, irrespective of the outcome of the appeal, 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.
4. The application alleges that the Council ignored the benefits of the proposed scheme to the street scene and Corsham Conservation Area when making its decision and that this led to unnecessary expense in the production of a heritage impact assessment and the time to bring evidence together to submit an appeal. The Council refutes the claim and maintains that the benefits associated with the scheme were recognised in the delegated officer report and notes that the fact that the applicant disagrees with the decision is not evidence of unreasonable behaviour.
5. Whilst the reasoning in the officer report doesn't go into great depth in terms of enhancements to the property it did outline that there would be benefits associated with the replacement of the existing UPVC windows and the conservatory and that those would be welcomed by the Council. Consequently, it is not the case that the benefits were ignored.
6. It is the case that the delegated report did not explicitly balance those benefits against any harm that would arise in the conclusion. However, the separate elements of the scheme were clearly severable and no compelling reason for

allowing harmful development in the form of the dormer window was put forward. It is not a case where one element is required to enable the other to take place. Overall, the Council assessed the proposal, including the positive aspects and its decision on the planning merits was explained and was not unreasonable. Essentially, it was a case where the parties had different views on the planning merits of what was proposed which is not, of itself, unusual or unreasonable.

7. Therefore, the costs associated with the appeal were not unnecessary or wasted and in the absence of any unreasonable behaviour there are no grounds for an award of costs.

Conclusion

8. With the above in mind, I find that the Council has not acted unreasonably and thereby caused the applicant to incur unnecessary or wasted expense in the appeal process. A claim for costs is not therefore justified and accordingly it is hereby recommended that the application for costs be refused.

Ms S Maur

APPEALS PLANNING OFFICER

Inspector's Decision

9. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the application for an award of costs is refused.

Chris Preston

INSPECTOR