
Costs Decision

Site visit made on 24 May 2022

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 01 June 2022

**Costs application in relation to Appeal Ref: APP/Y3940/Y/22/3290461
Home Farmhouse, 2 Honey Knob Hill South C154 Through Village to Tor
Hill, Kington St Michael, SN14 6HX**

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Squires for a full award of costs against Wiltshire Council.
 - The appeal was against the refusal of listed building consent for works described as 'maintenance completed to existing stone boundary wall and stone lintel added over stream'.
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Decision

1. The application for an award of 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.
3. The applicant submits that the Council provided no evidence to show that a detailed inspection of the phasing of the wall was carried out, in order to make an objective assessment of the impact of the works. I accept that the Council did not refer to this in its officer report. However, the justification before the Council from the applicant was limited to the brief 'heritage, design and access statement', which fails to consider the significance of the wall and makes no reference to its different phases or construction, thus falling short of the requirements of paragraph 194 of the National Planning Policy Framework (the Framework)
4. The applicant also submits that the Council exaggerated the level of harm and failed to consider any public benefits. With reference to the Framework there is nothing before me from the Council to show that it concluded that the work caused either substantial or less than substantial harm to the heritage asset.
5. Furthermore, the PPG confirms that it is a requirement of the Framework for any harm to be weighed against the public benefits of the work. There is nothing before me to show that the Council considered this matter or carried out the required balancing exercise. The Applicant put forward heritage related public benefits in his appeal statement to which the Council made no response in its statement.

6. The evidence before me does not demonstrate that the Council came to a balanced decision. It does not show that the Council took into consideration the significance of the heritage asset, the effect of the works on that significance and any public benefits arising from the works. This constitutes unreasonable behaviour on the part of the Council.
7. I also need to consider whether this unreasonable behaviour has resulted in unnecessary or wasted expense on the part of the applicant. The applicant has not suggested how the Council's unreasonable behaviour has resulted in unnecessary or wasted expense. The Council would not necessarily have reached a different decision had it undertaken the necessary balancing exercise. The applicant submitted additional information at the appeal stage to cover public benefits and the significance of the wall, incurring additional costs, however these submissions were not directly in response to points that the Council made in its officer report or refusal reason; and in any case they make up for the inadequacies of its initial statement.
8. Therefore, although I have found that the Council acted unreasonably, I am unable to conclude that its unreasonable behaviour resulted in unnecessary or wasted expense on the part of the applicant. The application for an award of costs should therefore be refused.

A Tucker

INSPECTOR