



Costs Decision

Site visit made on 29 July 2022

By Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2022

Costs application in relation to Appeal Ref: APP/Y3940/W/22/3293999 37A Monkton Farleigh, Bradford-on-Avon, Wiltshire BA15 2QD

- 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 J Stone for a full award of costs against Wiltshire Council.
 - The appeal was against the refusal of planning permission for development described as 'Erection of replacement dwelling'.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The application essentially relies on the fact that the Council Members went against the advice of its professional officers and failed to provide adequate reasons for refusing planning permission.
4. The PPG also indicates that local planning authorities will be at risk of an award being made against them if they fail to produce evidence to substantiate each reason for refusal.
5. In this case I have noted the recommendation of the Council's Officers. However, the decision is one which is a matter of judgement. The Council Members in this case were entitled not to accept the professional advice of Officers so long as a case could be made for the contrary view.
6. Although I did not agree with the Council in respect of the effect of the proposal on the living conditions of the occupiers of the neighbouring properties, I am nevertheless satisfied that the Council produced sufficient evidence to substantiate its concerns in this regard. It will also be seen from my decision that I concur with Council Members and that there were sufficient grounds for refusing planning permission in relation to harm to the Green Belt. I am therefore satisfied that the Council has shown that it was able to substantiate its reason for refusal.
7. For the reasons set out above, I consider that unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated.

Consequently, having regard to all matters raised, an award for costs is not justified.

Lewis Condé

INSPECTOR