



## Costs Decision

Site visit made on 19 January 2023

**by Matthew Jones BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 3 February 2023**

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### **Costs application in relation to Appeal Ref: APP/Y3940/D/22/3302966 Stonehey, Ashley (near Box), Wiltshire SN13 8AQ**

- 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 Gary Rhodes for a full award of costs against Wiltshire Council.
  - The appeal was against the refusal of planning permission for removal of existing house roof, build new replacement roof, addition of first floor to building within new roof space, garage conversion and house refurbishment to ground floor.
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### **Decision**

1. The application is refused.

### **Reasons**

2. The Planning Practice Guidance (the PPG) 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 expense in the appeal process.
3. The applicant asserts that the Council has acted unreasonably in that it delayed development which should clearly be permitted, failed to produce evidence to substantiate each reason for refusal on appeal, made vague, general or inaccurate assertions about the proposal's impact which are unsupported by any objective analysis, refused permission on a ground capable of being dealt with by conditions, and has not determined similar cases in a similar manner.
4. The thrust of the applicant's submissions is that the Council was wrong to assess the scheme against Paragraph 149 c) with a strict, narrow focus on Stonehey and should have instead broadened the scope of the assessment to a wider context beyond the site. However, I consider the Council's approach to be the correct one, and indeed not at odds with the cited case law, so its behaviour in this regard was not unreasonable in my view.
5. Taking each referenced part of the PPG in turn, as I have dismissed the appeal, it is not the case that the Council delayed development that should clearly have been permitted. The appeal procedure chosen by the applicant did not include the opportunity for the Council to submit an appeal statement. Nonetheless, the officer report is a thorough and objective document with a good analysis of the site history, and what was likely the original building. It offers adequate and substantive reasoning as to the effects of the proposal. The officer report identifies the applicant's approach but disagrees with it for reasons given.

6. It is not clear how conditions could have resolved the fundamental issue at play in this case regarding the Green Belt. In terms of the issue of consistency, previous permissions in the site environs did not disengage the Council from the need to undertake an assessment of the proposal under the correct terms of Paragraph 149 c). As such, even if there is a legitimate question of inconsistency, it is unlikely to have changed the outcome of the Council's assessment and therefore led to substantive costs in relation to this appeal.
7. Accordingly, the Council's conduct does not constitute unreasonable behaviour that has directly resulted in unnecessary or wasted expense in the appeal process, as described in the PPG. The PPG states that the parties in planning appeals normally meet their own expenses, and these are the circumstances present here. An award of costs is not justified.

*Matthew Jones*

INSPECTOR