



Costs Decision

Site visit made on 3 October 2023

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 November 2023

Costs application in relation to Appeal Ref: APP/Y3940/W/23/3319756 Saddlepack Farm, Fullaway Farm North East to Stert Road, Stert, Wiltshire SN10 3HZ

- 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 Elderfield for a full award of costs against Wiltshire Council.
 - The appeal was against the refusal of planning permission for stable building.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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 PPG also advises that the behaviour of parties during the time of the planning application can be taken into account in deciding whether unreasonable behaviour has occurred. Although, the costs themselves can only be awarded in relation to unnecessary or wasted expense at the appeal.
4. The applicants contend that the Council has behaved unreasonably in the way it dealt with the application, not taking account of evidence particularly from internal consultees, but considered inaccurate assertions of the applicants future aspirations for the site. Further, the Council did not consult the Conservation Officer and provided no evidence to demonstrate the site would be visible from within the Stert Conservation Area. The Council refutes these claims.
5. While I accept that these matters arose during the course of consideration of the application, it is not possible to infer that had they not done so and, for example, the Council consulted the Conservation Officer, this would have led to a positive outcome and negated the need for the planning appeal.
6. The Council did not behave unreasonably in making its decision based on the information it had. I have no basis to consider that the Council was obliged to consult the Conservation Officer. There is little evidence that the case officer was not familiar with the site and surroundings and, as I have found in my appeal decision, it would be possible to view the proposed development from the Conservation Area.

7. The Council's decision notice clearly identifies the policies of the development plan against which it was considered the proposal would fail to comply with. The Council provided a comprehensive Officer Report, which explains why the proposal was deemed to cause harm to the character and appearance of the landscape, had regard to the planning history of the site and gave a clear and coherent explanation in support of its position. It states that the introduction of the proposed building in this location could lead to future development. The basis for this view is provided in the body of the report.
8. I am satisfied that adequate reasoning has been provided as to why the Council reached the decision it did and refused the application.
9. It will be seen from my decision that I do not agree with the Council on the merits of this development. However, these are matters of planning judgement based on an assessment of fact and degree of the effects on the main issues relating to the development. The Council were entitled to form their own views about the impacts of the development even though, for the reasons set out in my appeal decision, I have reached a different conclusion on the planning merits of the case. Nonetheless for the reasons that I have given, I cannot agree that the Council has acted unreasonably in this case.
10. Therefore, based on the information available to me, I find no unreasonable behaviour in this regard. The PPG advises that, where Local Planning Authorities have exercised their duty to determine planning applications in a reasonable manner, they should not be liable for an award of costs.

Conclusion

11. For the reasons given, I find that unreasonable behaviour resulting in unnecessary or wasted expense as described in the PPG has not been demonstrated and that, therefore, an award of costs is not justified.

J White

INSPECTOR