



Costs Decision

Site visit made on 24 October 2023

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10.11.2023

Costs application in relation to Appeal Ref: APP/Y3940/D/23/3327408 The New House, Tuners Lane, Crudwell, Wiltshire SN16 9EN

- 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 Blake for a full award of costs against Wiltshire Council.
 - The appeal was against the refusal of planning permission for a single-storey extension after demolition of existing conservatory.
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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. In this instance, the applicant seeks a full award of costs on substantive grounds. The applicant considers that the Council has behaved unreasonably by preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; failure to produce evidence to substantiate each reason for refusal on appeal; vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis and not determining similar cases in a consistent manner.
4. The Council, in determining that the proposal would result in a loss of light to the occupiers of the neighbouring property at 1 Turners Lane (No 1), appears to have incorrectly applied the 45 degree rule. The officer report sets out that the development, including the proposed extension, would fail to comply. However, the appellant has demonstrated that, taking account of the existing extension at the rear of No 1, the new extension would in fact comply.
5. Notwithstanding this, the Council has nevertheless provided sufficient commentary to explain its position and substantiate its case in that regard, including the effect of the proposed alterations to the garage, which the parties agree does extend beyond the 45 degree line.
6. While I did not agree with all of the Council's conclusions, the planning officer's report is thorough and demonstrated a clear understanding of the site, the surrounding context and the proposed development. Moreover, aside from its assertions regarding the 45 degree rule in relation to the extension, it sets out

clear reasons for the alleged harm, having regard to the relevant material considerations and a reasonable exercise of planning judgement.

7. For these reasons, I do not consider that the Council failed to analyse the proposals properly and objectively or that the appeal could have been avoided. I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

E Worley

INSPECTOR