
Costs Decision

Site visit made on 3 October 2023

by C Rose BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2023

Costs application in relation to Appeal Ref: APP/Y3940/W/23/3318629 Christian Farm, Foxham Road, Foxham SN15 4NE

- 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 Adrian Rushby, P D Hook (Breeders) Ltd for a full award of costs against Wiltshire Council.
 - The appeal was against the refusal of planning permission for variation of condition 11 (vehicle routing movements) on 18/00523/FUL.
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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 considers that the Council acted unreasonably by refusing to grant planning permission against both local and national policy with the Committee decision being unreasonable in ignoring information put forward by the applicant with no reasonable grounds or evidence contrary to the applicant's evidence to justify the refusal of planning permission. The applicant notes no objection to the application from the Council's Highway Engineer.
4. In response, the Council states that following the presentation of the committee report and officer recommendation, the planning committee discussion included evidence from a local member and gave weight to the concerns and experiences raised by them, the Parish Council, local residents and the evidence from the highway engineer in relation to the original planning application (ref 18/00523/FUL). The Council point out that it is not unreasonable for elected Members of the Council to take a different view to its Officers.
5. From the evidence before me, the effect of the proposal on the local road network was of great concern to a large number of local residents. This generated a considerable number of objection letters and matters for the Council to consider.
6. Although I have found in the applicant's favour in relation to the appeal, it was not unreasonable for the Council to reach a different view on this matter given the proposed routing of HGVs via country lane with narrow sections, given the

reason and justification for the original routing and reason for the need for the alternative routing. While I acknowledge the lack of objection from the highway engineer, it is not unreasonable for the Council to take a contrary view where supported by sufficient justification to substantiate its case. Such justification was provided by the Council in its Committee Minutes and subsequent Statement of Case.

7. The appeal provided an opportunity for the applicant to test the position and explain their case. In my view the Council provided reasons for its concerns which justified its position. It was not unreasonable for the Council to reach a different view and determine that the alternative route was unacceptable due to its longer routing compared with the consented route and limited width in places.
8. In light of the above, I do not find that the Council acted unreasonably and made an informed assessment of the proposal and provided sufficient grounds to justify its position.
9. Accordingly, I find that unreasonable behaviour in procedural or substantive terms resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.
10. The application for an award of costs must therefore fail.

C Rose

INSPECTOR