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## Costs Decision

Site visit made on 24 October 2023

**by J Moss BSc (Hons) DipTP MRTPI**

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

**Decision date: 7 February 2024**

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### **Costs application in relation to appeal Ref: APP/Y3940/C/23/3316884 63 Pickwick Road, Corsham, Wiltshire SN13 9BS**

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr Tim Stephenson for a full award of costs against Wiltshire Council.
  - The appeal was against an enforcement notice alleging operational development comprising the erection of rendered cladding.
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### **Decision**

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

### **The submissions**

2. The reasons given for the costs application relate to the costs application made by the Council. The costs applicant says that his application is 'to counterclaim for the time and costs involved in this unnecessary response'.
3. I have had regard to the Council's response in reaching my decision.

### **Reasons**

4. 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.
5. The applicant's costs application is brief and appears to have been made on the basis that he believes the Council's costs application, rather than its defence against the appeal itself, to be unreasonable.
6. Whilst I have concluded against the Council in my decision on its costs application, I do not find its reasons for making the application in the first place to be unfounded. It correctly refers to the relevant guidance and makes a robust case for its claim that the applicant has behaved unreasonably in his failure to adequately support his grounds of appeal.
7. Ultimately, I have not agreed with the Council on this matter. However, for the above reasons I cannot consider the Council to have behaved unreasonably in making the application.

8. To conclude, I do not find that unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process has been demonstrated. Accordingly, an award for costs is not justified.

*J Moss*

INSPECTOR