



Costs Decision

Site visit made on 20 February 2024

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 March 2024

Costs application in relation to Appeal Ref: APP/Y3940/W/23/3331278 Land off Ashton Road, Hilperton, Wiltshire BA14 7QY

- 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 and Mrs C Stone for a full award of costs against Wiltshire Council.
- The appeal was against the refusal of the Council to grant planning permission for erection of 1 no. dwelling and detached garage.

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 PPG¹ advises that a Local Planning Authority may be at risk of costs on substantive grounds if it prevents or delays development which should clearly be permitted having regard to the Development Plan, national policy and any other material considerations. Amongst other things, it may also be at risk if it fails to produce evidence to substantiate its reason for refusal; makes vague, general or inaccurate assertions about the impact of the proposal; or does not determine similar cases in a similar manner.
4. The decision of the Local Planning Authority was made by its elected members, contrary to the advice of its planning officers. Whether or not the reasoning of members was prepared in advance of the Committee Meeting, the Council in its Statement of Case has provided sufficient evidence to substantiate its decision. Indeed, I have reached a similar conclusion in respect of the harm that would be caused by the proposal to the character and appearance of the area, including the identity of Hilperton village, the adjacent Conservation Area, and The Grange as a Non-Designated Heritage Asset.
5. As such, the Council did not act unreasonably in placing weight on an appeal decision at the site in 2000², notwithstanding changes to the surroundings and planning policy since that decision. For the reasons I set out in my decision letter, the Council has not been inconsistent in determining this case compared to other planning applications nearby. The housing land supply position evolved during the appeal but has not proved to be determinative to the outcome.

¹ Paragraph: 049 Reference ID: 16-049-20140306

² PINS reference APP/F3925/A/00/1041721

6. Accordingly, I find that the Council has not behaved unreasonably, having regard to the advice in the PPG. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

O Marigold

INSPECTOR