



Costs Decision

Site visit made on 20 February 2024

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 March 2024

**Costs application in relation to Appeal Ref: APP/Y3940/W/23/3329116
19 Clivey Gate Toll House, Studio Apartment, Clivey, Dilton Marsh,
Wiltshire BA13 4BB**

- 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 Mrs Annie Harris for a full award of costs against Wiltshire Council.
 - The appeal was against the refusal of planning permission for the Change of use of studio flat to office; Change of use of garage to dwelling; Additions to former garage.
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Decision

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

Reasons

2. The Planning Practice Guidance 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 appellant's claim for costs relies on that the Council has not understood the application in terms of that there will be no increase in dwellings, amount of built form, conditions and loss of covered storage.
4. The appeal proposal relates to a new dwelling and I find that the Council have accessed the merits of its location to be clear and well reasoned. The Policies that were considered as part of the application are relevant to new dwellings and as such the Council have taken a proportionate response in assessing the merits of the application.
5. The appeal proposal is not for a replacement dwelling, so these Policies are not relevant. However, the appeal proposal would result in the cessation in the use of a studio flat which is something I have ascribed weight to in the appeal decision and found that the conflict with Policies in relation to location attract reduced weight.
6. While I have found that a condition could be used to cease the use of the existing flat, I do not find the Council at fault for raising concerns over the possibility of such a condition.
7. The Council have found that the proposal would not harm the setting of the Listed Building. However, this does not necessarily mean that the proposal would not harm the character and appearance of the area. The Council have provided clear reasoning which is in line with planning Policy.

8. The proposal also relates to the conversion of a garage, so the Council have assessed the proposal against Policies concerning the conversion of building which I have also found them not to be a fault for.
9. While I have found that the provision of covered storage for the site is unnecessary, this was not the sole reason for refusal and as such has not resulted in the appeal being lodged.
10. In view of the above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, the application for costs is refused.

D Wilson

INSPECTOR