



Costs Decision

Site visit made on 16 February 2024

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 20 March 2024

Costs application in relation to Appeal Ref: APP/Y3940/D/24/3336441 12 King Alfred Way Winsley Bradford on Avon Wiltshire BA15 2NG

- 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 B Wheeler for a full award of costs against Wiltshire Council.
 - The appeal was against the refusal of the Council to grant planning permission for Alterations and single storey extensions. solar panel array, external insulation and external over cladding; amendments to the roof.
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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 applicant for costs points to the behaviour of the Council in their 'disregard of the Council's own policies'. However it is apparent from the applicant's statement that this complaint does not extend beyond divergence as to weight, or lack of such, to be applied to differing considerations which development plan policies identify. It is frequently the case that policies, whether at national or local level, pull in differing directions and the determination of planning applications requires the exercise of professional judgement as to which considerations hold sway in the circumstances of each case.
4. Whilst it may be frustrating for applicants who have plainly exercised design skill to have this dismissed, these are, as stated, subjective matters which rest wholly with the decision taker.
5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Andrew Boughton

INSPECTOR