



Costs Decision

Site visit made on 13 February 2024

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 28 March 2024

Costs application in relation to Appeal Ref: APP/Y3940/W/23/3315208 White Cottage, 35 Chapel Lane, Hankerton, Wiltshire SN16 9LG

- 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 Piers Johansen for a full award of costs against Wiltshire Council.
 - The appeal was against the refusal of planning permission for demolition of existing house and erection of a replacement dwelling.
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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 appellant submits that the Council's processing of the application was unreasonable as it delayed determination and consistently refused to answer requests for an indication of progress. The appellant also submits that the status of the existing building as a non-designated heritage asset (NDHA) was not previously raised despite previous planning permission at the site, and it appeared on the decision notice with no forewarning. I note that it was not identified on the Council's Historic Environment Record, and it is suggested that the Council has no local guidance on how it identifies NDHAs.
4. However, previous proposals were not for the demolition of the building, and the PPG recognises that Councils may identify NDHAs as part of the decision making process. It is quite reasonable for this to occur in cases where demolition is proposed as it is a direct response to the potential for an asset to be lost; and the Council is not required to forewarn an appellant of a potential refusal reason.
5. I note the appellant's concerns about delays to the decision making process. However, for me to take these into account in a costs application I need to be convinced that the appellant has incurred unnecessary or wasted expense in the appeal process. I have found harm against the main issues that the Council covered in its refusal reasons and therefore have found its decision to be justified and substantiated. Whilst I understand the appellant's frustrations that communication with the Council was difficult, and matters were delayed, there is no further evidence before me that demonstrates that the Council behaved unreasonably at the time of appeal.

6. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

A Tucker

INSPECTOR