



Costs Decision

Site visit made on 29 May 2024

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 August 2024

Costs application in relation to Appeal Ref: APP/Y3940/W/23/3327178 Wall Ground Farm, Sopworth Road, Sherston SN16 0QB

- 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 Paul Bridgman for a full award of costs against Wiltshire Council.
 - The appeal was against the refusal of the Council to grant planning permission for the change of use of existing building to a separate 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 applicant seeks a full award of costs on the grounds that the Council acted unreasonably by preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; failure to produce evidence to substantiate each reason for refusal on appeal; and making inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis which meant that the appeal could have been avoided.
4. The Council assessed the planning application based on the submitted Viability Report¹, which suggested an occupancy rate of 100%, there was nothing to indicate a lower rate should be applied. The information on which the appellant relies, in relation to the build costs and occupancy rates, together with the addendum to the Viability Report, was submitted as part of the appeal and was not before the Council when it determined the planning application.
5. It is alleged that officers did not seek specialist advice or an independent valuation. Nevertheless, there is no clear evidence before me that the application was not fully assessed based on the merits of the proposal and the information submitted as part of the application. Moreover, while I have reached a different conclusion, the decision in relation to the location of the site and accessibility to services, is one which is a matter of judgement, and I am satisfied that the Council's submissions show that it was able to substantiate its reasons for refusal.

¹ Viability Report by Wooley and Wallis dated 23 August 2022

6. While I acknowledge the lack of engagement from the Council in light of the additional information put forward by the applicant after the application was refused, this would not have prevented the applicant from resubmitting a revised planning application.
7. I acknowledge the applicant's frustration with the way in which an earlier planning application at the site² was considered by the Council. However, costs can only be awarded in relation to the appeal before me.

Conclusion

8. While I appreciate that the outcome of the application will have been a disappointment to the applicant, I have found that the Council were not unreasonable in coming to that decision. Consequently, for the foregoing reasons I cannot agree that the Council has acted unreasonably, as described in the PPG, or that the applicant was put to unnecessary or wasted expense in relation to the appeal process. The application for costs is therefore refused.

E Worley

INSPECTOR

² LPA Ref. PL/2021/07921