



Costs Decision

Hearing held on 9 October 2024

Site visit made on 9 October 2024

by H Nicholls FdA MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2024

Costs application in relation to Appeal Ref: APP/Y3940/W/24/3346309 Land at Somerford Farm, Brinkworth, Wiltshire, SN15 5AU

- 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 PD503HAN Ltd for a full award of costs against Wiltshire Council.
 - The appeal was against the refusal of planning permission for a battery storage facility and ancillary development.
-

Decision

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

The submissions for the applicant

2. The costs application was submitted in writing in advance of the hearing.

The response by the Council

3. The response was made in writing.

Reasons

4. 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.
5. The appellant indicates that the Council acted unreasonably by delaying the application for more than 6 months whilst it reconsidered the position on the requirements under the Environmental Impact Assessment Regulations 2017 (as amended) (EIA). The appellant sought a screening direction from the Secretary of State to resolve the matter, which itself incurred further delay.
6. The delays incurred during the processing of the appeal application, whilst capable of being taken into consideration, do not appear to me to amount to any deliberate unreasonableness on the part of the Council. The justification provided by the Council relating to the number of applications for battery storage, solar PV schemes and ultimately, an upgrade and extension of the closest substation, indicate that it was dealing with a quickly evolving and complex situation where there are inevitable interrelationships between the proposals. That the Council opted to rescreen the proposals is unsurprising and, whilst the outcome was still that the proposal was EIA negative, it provided a more robust basis from which to proceed to determine the

application. The delays incurred here are regrettable, albeit not unreasonably or deliberately incurred by the Council.

7. The further claim of the appellant is that the Planning Committee dismissed the professional planning officer's recommendation for approval and failed to assign any weight to the wider environmental benefits associated with renewable associated infrastructure, ultimately leading to a refusal of the appeal application.
8. I have considered the minutes of the Northern Area Planning Committee (the Committee) and the costs response of the Council. I note that a debate was held about the proposal which would have considered both reasons for and against the scheme. The members of the Committee are not bound by the officer's recommendation, and it reached a different finding on the harm to landscape character and visual amenities. The reason for refusal is clear in this regard. Whilst my decision sides with the appellant on this matter, that was a matter of judgement and was not so weighted in favour of the scheme that the Council's decision could be held to be unreasonable in and of itself.
9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

H Nicholls

INSPECTOR