



Costs Decision

Site visit made on 19 November 2024

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2024

Land east of the A350, Shaftesbury SP7 9HD

Costs application in relation to Appeal Ref: APP/Y3940/W/24/3342759

- 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 David Fear for a full award of costs against Wiltshire Council.
- The appeal was against the refusal of planning permission for the conversion and re-use of a redundant rural building for economic development B2/B8 use and amendments to the design of the building approved under PL/2021/05261 (part retrospective).

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. In this instance, the applicant has alleged that the Council refused an application that clearly should have been approved. I note that there is a very thorough officer report that recommended the application for approval. However, it is of course quite reasonable for Committee Members to disagree with any such report.
4. It does seem clear that Members did choose to ignore the most important policy for this proposal, Policy CP48 of the Core Strategy, which is a very specific policy concerning the re-use or conversion of rural buildings. Instead, they chose to focus on other more general policies. To my mind this is unreasonable behaviour as it is an example of failing to read the development plan as a whole.
5. Nevertheless, I have elected not to award costs against the Council because one of their main concerns was the effect of the proposal on character and appearance, including the scenic beauty of the National Landscape. Matters such as this are highly subjective, and it is not unreasonable for the Council to have refused the application on that basis. As a result, an appeal was always inevitable.
6. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

C Butcher

INSPECTOR