



Costs Decision

Site visit made on 27 November 2024

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 January 2025

Costs application in relation to Appeal Ref: APP/Y3940/W/24/3343960 The Mount, T Junction at Coach House Upper Seagry North West to Junction Henn Lane, Upper Seagry SN15 5EX

- 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 Nick Good for a full award of costs against Wiltshire Council.
 - The appeal was against the refusal of planning permission for erection of an agricultural building for livestock and machinery storage and associated track without complying with a condition attached to planning permission Ref PL/2021/08755, dated 19 April 2022.
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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, 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. Whilst the Planning Committee made a decision which was contrary to the officer recommendation, this does not in itself constitute unreasonable behaviour. The reason for refusal makes clear that the main issue relates to effect of the development on the character and appearance of the area. The building in its amended form, is materially different to the approved scheme, including an increase in footprint and volume and the use of materials. Whilst I have found the proposal to be acceptable, this is a matter of planning judgement, and the Council did not behave unreasonably in coming to a different view which has been substantiated in the Council's Statement. Consequently, the conclusion that the proposal conflicts with policy SNP5 of the Seagry Parish Neighbourhood Plan 2019 – 2036 (Made May 2021) (NP), which relates to character and design, was not unreasonable.
4. It is clear from the committee report and the minutes that the members of the committee were well aware of the fall-back position in respect of the originally permitted scheme. The 'Key Break' referred to in Policy SN6 of the NP is mentioned in the officer report and the Council's appeal statement however it does not form part of the reason for refusal. Considering the implications of this policy in the light of the amendments to the proposal does not constitute unreasonable behaviour.
5. The committee minutes do not detail a discussion in respect of the relevant paragraphs of the Framework, however the committee report provided adequate

detail of these and there is no substantive evidence to suggest that the committee were not mindful of these in coming to a view on the proposal.

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

E Pickernell

INSPECTOR