



Costs Decision

Site visit made on 24 April 2025

by **G Powys Jones MSc FRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 May 2025

Costs application in relation to Appeal Ref: APP/ Y3940/W/24/3358152

8 The Orchard, Urchfont, Wiltshire, SN10 4QX

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by the Estate of Mrs P Cridland for a full award of costs against Wiltshire Council.
 - The appeal was against the Council's refusal to grant planning permission for the use of existing garden building as a domestic annexe without complying with conditions attached to planning permission Ref 20/08600/FUL, dated 10 December 2020.
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Decision

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

Reasons

2. The Planning Practice Guidance 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's reasons for the application were made in writing. In summary, the appellant contends that the Council acted unreasonably in that it misinterpreted local development plan policy, in particular Core Policy 57 of the Wiltshire Core Strategy, in not accepting the positive recommendation of its professional advisors, and also misinterpreted an aspect of national policy.
4. In essence the appellant contends that the development proposed is not new development, as set out in the policy, since it relates to an existing building, and the application only sought to change who could stay there.
5. The application was made under the provisions of section 73A of the Act¹, for the grant of a fresh planning permission by varying conditions imposed on a previous permission.
6. However, as clarified in the decision on the substantive appeal, the effect of granting planning permission in the terms sought would be the subdivision of the current planning unit and a consequent change of use of the annexe. The building, rather than being ancillary accommodation to the bungalow, would become an independent unit in its own right. The wording of Core Policy 57 makes it plain that its provisions also apply to changes of use.

¹ The Town & Country Planning Act 1990 (as amended)

7. Accordingly, I am satisfied that the policy was properly interpreted having regard to the nature of the application and proposed use. It follows that I do not disagree with the Council's reliance on an aspect of national policy as a material consideration.
8. I note the appellant's reference to the officer recommendation. Members are not bound to accept officer advice, and in this case, particularly having regard to the appellant's clarification of the proposed use at appeal stage, I find they were justified in doing so.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated, and the application is therefore refused.

G Powys Jones

INSPECTOR