
Costs Decision

Site visit made on 10 June 2025

by **Jonathan Edwards BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16th June 2025

Costs application in relation to Appeal Ref: APP/Y3940/W/24/3354365 Land at Penn Farm, Capps Lane, Heywood, Westbury, Wiltshire BA13 4NF

- 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 Patrick Maguire for a full award of costs against Wiltshire Council.
 - The appeal was against the refusal of planning permission for extension and alterations to existing storage building to provide function room, kitchen, toilets and washing facilities in association with on site public camping, and associated use of outdoor seating and play space, together with the provision of 1No Gypsy and Traveller pitch, varying application PL/2021/08566 (in retrospect).
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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, 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. This application claims unreasonable behaviour from the Council in terms of (i) preventing development which clearly should have been permitted, having regard to local and national planning policy, (ii) failing to produce evidence to substantiate each reason for refusal, (iii) making vague, generalised or inaccurate assertions about the impact of the development, (iv) refusing permission on a planning ground capable of being dealt with by conditions, and (v) not determining similar cases in a consistent manner
3. My appeal decision explains why I consider planning permission should be refused. It follows that the Council has not prevented development that clearly should have been permitted in light of local and national planning policy. The Council's decision notice and the officer's report on the application leading to the appeal sets out the reasons why it felt planning permission should be refused. A written statement in response to the appeal provides further explanation of the Council's objections. Therefore, it has not failed to produce evidence to substantiate its concerns.
4. The costs application criticises the Council for assuming the appeal development would be used by people who do not stay at the adjoining campsite. My appeal statement explains why I consider the Council's assumption to be reasonable and why patronage of the function room element of the building could not be restricted by planning condition. Indeed, the covering letter to the planning application leading to the appeal seems to acknowledge that a condition limiting the use of the building would be difficult to monitor. Given this context, I find the Council's approach to assessing the appeal development to be sound.

5. There is no evidence before me from either of the main parties on the level of traffic to and from the appeal site and how this has been affected by the development or any potential effects on travel. Without such evidence, a planning judgment is required as to whether car trips would increase and if so, how this may affect highway and pedestrian safety. The lack of traffic surveys does not negate the need to consider the effects of the development on highway safety.
6. I do not agree with the Council on the matter of pedestrian safety. Even so, it is fair to arrive at a view that the development without restrictions on who can use the function room would lead to more car journeys. Also, the Council has highlighted aspects of Capps Lane such as its narrowness and lack of forward visibility in parts that prejudice the safety of drivers. Therefore, the Council's concerns are specific rather than vague or clearly inaccurate.
7. The development would have particular effects in terms of traffic generation and road safety. Therefore, it is reasonable for the Council to arrive at a different view on the highway safety implications of the appeal development compared to the proposal for 3 Gypsy and Traveller pitches on the appeal site or to any other development allowed along Capps Lane.
8. For the above reasons, I find no unreasonable behaviour by the Council that has led to the applicant incurring unnecessary or wasted expense in the appeal process. Therefore, I conclude an award of costs is not justified.

Jonathan Edwards

INSPECTOR