



Costs Decision

Site visit made on 1 July 2025

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2025

Costs application in relation to Appeal Ref: APP/Y3940/W/24/3357434 Barn and Farmyard adjacent to Elm Cottage, High Street, Tilshead, Salisbury SP3 4RY

- 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 the Gordon Family for a full award of costs against Wiltshire Council.
 - The appeal was against the refusal of planning permission for the proposed conversion of agricultural barn to C3 dwelling, hard and soft landscaping.
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Decision

1. The application for a full award of costs is refused, but a partial award is allowed.

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 claiming the costs of the appeal, the applicant submits that the Council has acted unreasonably both in procedural and substantive terms. Procedurally, it is asserted that the Council has been uncooperative throughout the planning process. In substantive terms, the applicant considers the Council to have been negligent and arbitrary in their decision-making, which has prevented or delayed development which should clearly be permitted.
4. I acknowledge the appellant's frustration with the perceived lack of co-operation by the Council, in particular the apparent reluctance of officers to meet with the applicant. However, the Council provided detailed pre-application advice, whereby the applicant was clearly aware of the Council's view. The failure to submit a detailed Statement of Case as part of the appeal process, would itself not represent unreasonable behaviour on behalf of the Council, given that its position was set out in the case officers report.
5. The National Planning Policy Framework expects Councils to work in a positive and proactive manner. In that regard, there is no reason why the parties could not work collaboratively, even when an application is to be refused. However, I am mindful that, while there is a need to address outstanding issues, there is also an expectation that applications are determined in a timely manner. Thus, while the Council could have behaved in a more customer focused way, I find that their actions in this case would not constitute unreasonable behaviour.

6. While it is a matter of planning judgement as to the effect of the proposal on the heritage assets, the Council's case appears to focus primarily on the assertion that the existing building should be removed, rather than the effects of the proposed change of use of the building, which is the subject of the appeal. Moreover, the Council's case in that regard is vague and generalised, unsupported by any objective analysis of the specific effects of the proposed development upon the Conservation Area or the setting of the nearby listed buildings to justify its decision. The Council's unsubstantiated arguments regarding the alleged harm in relation to the heritage implications of the proposal thus caused the applicant to incur unnecessary expense in the appeal process.

Conclusion

7. I have found in favour of the applicant with regards to the effect of the proposed development upon the heritage assets and that the Council did not present a suitably substantiated case in support of its view that the proposal was unacceptable in these regards. I therefore find that unreasonable behaviour by the Council, resulting in unnecessary and wasted expense, as described in the PPG, has been demonstrated. Nonetheless, given there is a second refusal reason, unrelated to the heritage issues in this case, the appeal could not have been avoided. Consequently, a partial award of costs only is justified.

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Wiltshire Council shall pay to the Gordon Family, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in addressing the case pertaining to the Council's refusal in relation to the effect on the heritage assets.
9. The applicant is now invited to submit to Wiltshire Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, such costs shall be assessed by the Senior Costs Office.

E Worley

INSPECTOR