



Costs Decision

Site visit made on 16 July 2025

by **G Powys Jones MSc FRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 August 2025

Costs application in relation to Appeal Ref: APP/D1265/W/25/3361405

Land between Linden House and Rose Cottage, Wavering Lane West, Gillingham, Dorset, SP8 4NR.

- 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 Mr R Light for a full award of costs against Wiltshire Council.
 - The appeal was against the Council's refusal to grant planning permission for the development of 2 dwellings with associated parking and amenity areas and a new vehicular access.
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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 initially reserved his position on costs, but following receipt of the Council's appeal statement, made a late application for costs, which was accepted.
4. The appellant's reasons for the application were made in writing. In summary, while acknowledging that the actions of the Planning Committee in refusing to adopt the officer recommendation to permit the development was not unreasonable, in itself, the Council had a duty to substantiate its decision on appeal. It failed to produce relevant evidence to rebut the appellant's appeal submissions on housing land supply and the inability of the development plan to adequately address this issue, points which were largely confirmed in a recent appeal decision, referred to as the Marnhull decision¹. The Council also failed to provide evidence to support its stance that this was not a sustainable form of development.
5. The Council disputes the application on the basis that the evidence presented in support of the decision reflects extant development plan policy provisions, and that in respect of the housing land supply position, reflects advice and guidance on methodology and process provided in national policy. The Council says that it cannot justifiably be accused of unreasonable conduct if its land availability exercise simply follows the requirements of national policy and guidance.
6. The Committee determining the application contrary to officer recommendation met almost 12 months ago. At that time the advice presented to it by officers was that

¹ As referenced and referred to at paragraph 4 in the substantive decision on the appeal.

the development did not accord with certain provisions of the development plan. It was also advised that the Council could demonstrate more than a 5 year supply of housing land in the recently submitted Annual Position Statement on housing land availability. I note the reference made in the Committee report to another appeal² where the Inspector had indicated a 4.83 year supply, and the officer comment on that.

7. The officer recommendation on the application was clear – it was to the effect that the proposal would not comply with the development plan taken as a whole, but that there were material considerations outweighing that conflict and that permission should be granted.
8. However, the weight to be attributed to material considerations is a matter for the decision makers, not Council officers. Judging from the content of the Committee minutes there is no persuasive evidence that the Committee acted unreasonably in weighing up the planning balance, and I am unconvinced that members can be justifiably accused of unreasonable behaviour when they determine an application in accordance with the development plan. Sustainable development is a concept meaning more than access to services; in this case, the Council was clearly concerned with countryside protection. That I disagree with its view on the merits of the proposal after weighing up the material considerations does not render the Committee's decision unreasonable.
9. In its evidence the Council simply stood its ground, and I note that its evidence was submitted prior to the publication of the Marnhull decision in May 2025 to which I attach significant weight. It could not therefore have conclusively known the position that the Inspector appointed to determine that appeal would adopt on housing land availability issues.
10. 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

² Ref APP/D1265/W/23/3323727