



Costs Decision

Site visit made on 27 August 2025

by **G Powys Jones MSc FRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 September 2025

Costs application in relation to Appeal Ref: APP/Y3940/D/25/3368350 Fordlands, Main Road, Christian Malford, Chippenham, SN15 4BB

- 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 Ms Reena Rowan for a full award of costs against Wiltshire Council.
 - The appeal was against the Council's refusal to grant planning permission for the retention of external and internal alterations, extend rear orangery and roof terrace following consent PL/2023/06767.
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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 delayed or prevented development; failed to take proper account of the officer recommendation to approve the development; failed to present reasonable planning grounds in support of its decision, and failed to take account of and give appropriate weight to the recent planning history including a permission to develop the site for a broadly similar proposal.
4. I saw at my visit that a significant amount of work had taken place at the appeal property, and an opening, not shown on the originally approved plans¹, had been created in the western elevation. Given the amount of work already carried out the Council could not be reasonably accused of delaying development, especially in circumstances where the appellant had seemingly had a change of heart as to the final design and departed from the approved plans.
5. The appellant does not dispute the right established under the Council's procedures for planning applications to be 'called-in' for consideration by members or for a decision to be taken contrary to the advice of officers. However, the Council is obliged to provide sound planning reasons for its decision.
6. The Council, as the appellant acknowledges, attempted to avoid the need for an appeal by suggesting late amendments to the scheme, to enable a revised application to be determined favourably under the officer scheme of delegation.

¹ In respect of permission Ref PL/2023/06767

This would have meant that all matters subject of the application, bar the extended single storey extension at the rear, would have been approved. This was not acceptable to the appellant.

7. There is no evidence before me that members of Planning Committee did not consider the extant permission to be a material consideration, indeed the evidence points the other way. However, it is a long-established principle of planning law that the weight to be given to a material consideration is a matter for the decision maker. In this instance they were presented with a well-detailed and comprehensive report from their officers. On the crucial matter of amenity they were advised, notwithstanding that approved under the terms of the extant permission, that:

‘...Concerns regarding residential amenity...have been considered, and on balance the proposals comply with CP57 of the WCS...’

8. This strongly implies to me that the issue of residential amenity was far from being considered an unreasonable concern in officers’ minds, a factor which members appeared to have taken on board.
9. The householder appeal procedure does not provide the Council with the opportunity to produce a statement of case or comment on the appellant’s grounds of appeal. However, the formal minutes produced and the Council’s rebuttal of the costs’ application show that members of the Planning Committee considered matters comprehensively and, significantly, they did not adopt all the objections raised in the representations. This signifies to me that members adopted a balanced and considered approach in their decision and refused the application only on those specific matters of concern to them.
10. Whilst I did not share the Committee’s assessment on the main issues in the substantive appeal, it was entitled under the terms of local and national policy to arrive at a decision based on its collective subjective judgment, including the impact of the development on the character and appearance of the host property and its surroundings and on amenity considerations.
11. There is no convincing evidence that it failed to take into account the provisions of the development plan or other material considerations. In my judgment, the fact that members’ opinions on these subjective matters differed from that of its officers and mine does not amount to unreasonable behaviour.
12. The Guidance advises that where local planning authorities have exercised their duty to determine planning applications in a reasonable manner they should not be liable for an award of costs.
13. 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