



Costs Decision

Site visit made on 27 August 2025

by **E Worley BA (Hons) Dip EP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 September 2025

Costs application in relation to Appeal Ref: APP/Y3940/W/25/3364462 Carsons Yard, East Street, Warminster, Wiltshire BA12 9NA

- 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 Wiltshire Council for a full award of costs against Mr P Jenkins on behalf of Auto Services.
 - The appeal was against the refusal of planning permission for the demolition of existing industrial building and the erection of three town houses (re-application of 14/02782/FUL).
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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, 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. The Council's reason for refusal of the planning application relates solely to the potential effects on the development upon the River Avon Special Area of Conservation. It contends that the appellant has acted unreasonably on substantive grounds, on the basis that they failed to provide the necessary technical information, including a phosphorus nutrient budget, in order to enable the Council to fully assess the proposal. In addition, the Council allege that, despite requests for the additional information, the appellant failed to engage with the Council to secure the necessary mitigation.
4. Notwithstanding the dearth of technical information, the appellant indicates that, despite a willingness to adopt the approach suggested by the Council, the absence of mitigation was primarily due to the lack of availability of credits for the site. As such, they were therefore unable to adopt the Council-led mitigation scheme. In addition, the appellant contends that the cost of credits available to purchase privately was excessive and therefore had implications on the viability of the scheme. However, I have not been provided with any clear evidence in these regards, or any substantive evidence of any discussions between the Council and the appellant.
5. Furthermore, the appellant has put forward other material considerations they feel are relevant to the case, including the fallback position of the existing use of the building and its connection to the existing sewerage system.

6. Although I have come to the decision not to grant planning permission, given the matter in dispute and clear disagreement between the parties regarding the approach in this instance, I do not consider that the applicant has behaved unreasonably or that the appeal could have been avoided altogether. Therefore, no additional costs on behalf of the Council have been incurred in that regard.

Conclusion

7. I therefore find that unreasonable behaviour by the applicant, resulting in unnecessary and wasted expense in the appeal process, as described in the PPG, has not been demonstrated and that a full award of costs is not justified.

E Worley

INSPECTOR