
Costs Decision

Site visit made on 23 September 2025

by Richard S Jones BA (Hons), BTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th October 2025

Costs application in relation to Appeal Ref: APP/Y3940/X/24/3340734 15 Water Street, Bulford, Wiltshire SP4 9DZ

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr and Mrs Noel Claydon-Swales for a full award of costs against Wiltshire Council.
 - The appeal was against the refusal of a certificate of lawful use or development described as "certificate of lawfulness for the stationing of a caravan to be used for purposes incidental to the enjoyment as such of the dwellinghouse".
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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. Clearly eight months to determine the application is well beyond the prescribed period, but an appeal against non-determination was not made, so the PPG costs guidance in that regard is not directly relevant. The PPG also makes clear that costs cannot be claimed for the period during the determination of the application. Nevertheless, behaviour and actions at the time of the planning application can be taken into account as part of my considerations as to whether or not costs should be awarded.
4. The appellants argue that the dismissal by the Council of their dissection of the case officer's comments, and the citation of multiple appeal cases, is unreasonable and unprofessional. Nevertheless, the Council produced an appeal decision which it considers closely compares to the relevant issues. Whilst my decision largely aligns with the appeal decision submitted by the appellants, the Council's reliance on the decision it produced was not unreasonable, but rather a matter of interpretation.
5. The Council was wrong to say that the 1990 Act does not allow for additional information to be provided. Indeed, the purpose of the LDC provisions is to enable the making of an objective decision based on the best facts and evidence available when the decision is taken. Nevertheless, having regard to the divergent positions, it is unlikely that the appeal would have been avoided.

6. In any case, the appellants' agent confirmed that it was not the intention to submit additional information, but rather for the Council to review the points made in response to its concerns. The fact that the Council was not persuaded by the same does not amount to unreasonable behaviour, and the Council's officer report demonstrates that the information submitted was considered as part of its assessment of the LDC.

Conclusion

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Richard S Jones