



Costs Decision

Site visit made on 22 October 2025

by **E Pickernell BSc MSC MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 November 2025

Costs application in relation to Appeal Ref: APP/Y3940/W/25/3368733 Holbrook Dairy Farm, Berryfield Lane, Melksham, Wiltshire SN12 6EH

- 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 Mr Komosa for a full award of costs against Wiltshire Council.
 - The appeal was against the refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for proposed agricultural barn conversion to single dwelling.
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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, 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 claimed that the Council failed to undertake a site visit and therefore did not observe the activities on the site, that it failed to request further information in order to aid their assessment and failed to provide an opportunity to respond. Substantially, it is claimed that the Council failed to clearly substantiate the reason for refusal and ignored established precedent.
4. The Council acknowledges that it did not visit the site as part of the process of considering the application and rather carried out a desk-based assessment of the proposal on the basis of the information submitted. The carrying out of a site visit as part of the consideration of the application, is not a procedural requirement and there is no substantive evidence before me that the Council mis-understood the nature of the site or the proposal as a result of the lack of a site visit.
5. Paragraph W sets out the procedure of applications for prior approval under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). Paragraph W(9) states that the local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application which may include (a) assessments of impacts or risks; (b) statements setting out how impacts or risks are to be mitigated; or (c) details of proposed building or other operations.

6. The appellant contends that requesting information such as operational details, odour studies or acoustic assessments might have clarified or eliminated concerns. Be that as it may, paragraph W does not make it mandatory for local planning authorities to require such additional information.
7. Earlier applications for prior approval at the appeal site were not refused for reasons relating to noise and odour. However, this is because the Council did not consider that they constituted permitted development and as such did not go on to consider the prior approval matters. There is no procedural requirement to offer an opportunity to respond to such concerns prior to the decision.
8. I therefore conclude that these actions do not amount to procedural unreasonableness.
9. Whilst the concerns raised by the council were not necessarily supported by a specific consultee response, they were based on planning judgement. Whilst I have come to a different conclusion, the Council nevertheless carried out a clear assessment of the relevant matters and substantiated the reason for refusal.
10. The applicant alleges that the Council misapplied policy and ignored precedent established by other appeal decisions on other sites. However, each case must be considered on its own merits and there is no substantive evidence that the Council has misapplied policy.
11. As such it has not been demonstrated that substantive unreasonableness has occurred.
12. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

E Pickernell

INSPECTOR