



---

## 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: 14 November 2025**

---

### **Costs application in relation to Appeal A Ref: APP/Y3940/W/25/3366213**

#### **Home Farm, Burton Hill, Malmesbury, Wiltshire SN16 0EW**

- 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 S Baker for a full award of costs against Wiltshire Council.
  - The appeal was against the refusal of prior approval for conversion of agricultural buildings to a flexible commercial use shop and café (Class E).
- 

### **Costs application in relation to Appeal B Ref: APP/Y3940/W/25/3366207**

#### **Home Farm, Burton Hill, Malmesbury, Wiltshire SN16 0EW**

- 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 S Baker for a full award of costs against Wiltshire Council.
  - The appeal was against the refusal of planning permission for external alterations to agricultural building, formation of car parking area, surface water drainage works and landscaping in connection with the concurrent Class R application for prior approval.
- 

## **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 appeals, the applicant submits that the Council has acted unreasonably in substantive terms by preventing, or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
4. It is claimed that there has been a pattern of behaviour over the course of several applications seeking to frustrate the applicant's attempts to achieve consent at the site. This claim does not relate to the current appeals and as such is not within the scope of this application for costs.
5. The appellant states that they had made it clear to officers that the applications for prior approval and planning permission were to be considered concurrently. I note that the decisions on the applications were made on the same day. Two separate reports were prepared but they both acknowledge the other application and the relationship between them.

6. As is clear from my decision letter, I am satisfied that the use of the building proposed under Appeal A would be permitted development. However, a degree of ambiguity and uncertainty was introduced by the inclusion of the drawings which indicated operational development, which could have been avoided were they not included.
7. Consequently, I do not consider that the Council's conclusion that these elements meant the scheme was not permitted development, was unreasonable. It is not mandatory for local planning authorities to seek amendments to proposals, nor is there a procedural requirement in respect of communication during the course of the application.
8. As will be clear from my decision letter I have found that refusing the applications for prior approval and planning permission was reasonable and necessary and did not amount to unreasonable behaviour.
9. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated and an award of costs is not warranted.

*E Pickernell*

INSPECTOR