



Costs Decision

Site visit made on 29 October 2025

by R Kent BA (Hons) MTP DipM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2025

Costs application in relation to Appeal Ref: APP/Y3940/W/25/3367873

Land off Ashton Road, Hilperton, Wiltshire BA14 7QY

- 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 and Mrs C Stone for a full award of costs against Wiltshire Council.
 - The appeal was against the refusal of the Council to grant planning permission for the erection of 1 No dwelling and detached garage.
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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. Although it might have assisted the applicants if the Council had discussed and agreed the existing lawful use of the site, the appropriate route to establish the lawful use of land is through an application for a certificate of lawfulness of existing use or development. Whilst a lack of cooperation with other parties is given as an example of unreasonable behaviour in the PPG, the Council must consider each application on its individual merits. I do not consider that it acted unreasonably in its approach to the disputed lawful use of the site in the absence of such an application being submitted and determined.
4. Whilst the Council may have granted planning permission for other developments I have not been provided with compelling evidence that any of those schemes were identical in all respects to the appeal proposal. Even though Council officers had recommended that planning permission be granted for a similar development on the site, that development was refused by the Council and the subsequent appeal dismissed in 2024¹. The Council did not act unreasonably in giving that recent appeal decision more weight in its decision making than the previous officer recommendation for approval.
5. It has not been clearly demonstrated which inflammatory statements are being referred to or how they have directly caused the applicant to incur unnecessary or wasted expense in the appeal process. The applicants have had the opportunity to respond to the Council's approach in their own statement of case and in their subsequent response to the Council's appeal statement.

¹ APP/Y3940/W/23/3331278

6. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

R Kent

INSPECTOR