



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 Wiltshire Council for a full award of costs against Mr and Mrs C Stone.
 - 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. Whilst the appeal followed an earlier appeal decision¹ on the site issued in March 2024, the National Planning Policy Framework was revised in December 2024. The design and form of the appeal scheme also differ from the previous appeal proposal and are not identical to it. Moreover, the Council and the appellants now agree that the Council can only demonstrate 2.42 years supply of deliverable housing sites. In the 2024 appeal the parties disputed whether the Council could demonstrate a sufficient supply of deliverable housing sites. These are material differences between the two appeal proposals and it was not unreasonable for the appellants to progress their appeal to test these changed circumstances.
4. The appellants contest the effect of the site on its contribution to the character and appearance of the site and its surroundings. Whilst the lawful use of the site is disputed and the appropriate route to establish the lawful use of land is through an application for a certificate of lawfulness, it was not unreasonable for them to submit evidence about its past use in order to support their case on this point.
5. It was apparent from the planning application form and Planning Statement that the applicants were proposing to progress the scheme as a self-build project. However, this was not included in the description of the development on the planning application form and a legally binding planning obligation was not provided to secure this. Whilst this means that I cannot be sure that the development would be self-build housing, I am not convinced that the appellants were aware of the implications of not providing a planning obligation. Moreover, they have also stated

¹ APP/Y3940/W/23/3331278

that a unilateral undertaking (UU) could have been provided. Whilst it is not clear why a UU was not provided with the planning application, from the evidence before me I am not satisfied that the applicants acted unreasonably in not doing so.

6. The Council states that additional information was required to enable the Council to carry out an Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017. However, the Case Officer's report indicates that no additional information in this regard was requested as the development was considered unacceptable in principle. As the Council had the opportunity to request the required information but chose not to do so, it was not unreasonable that the appellants did not provide it.
7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

R Kent

INSPECTOR