



Costs Decision

Site visit made on 3 February 2026

by H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2026

Costs application in relation to Appeal Ref: APP/Y3940/W/25/3368630 Land to West of Care Home (Former Police Station), Wood Lane, Chippenham SN15 3HS

- 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 Codex Land PCC Limited - Cell C for a full award of costs against Wiltshire Council.
 - The appeal was against the refusal of planning permission for development of 17 No. dwellinghouses (Use Class C3), including 7 no. affordable units, and associated works, including demolition of the existing car park structure.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

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. The application is made on a substantive basis, alleging that the Council has prevented or delayed development which should clearly have been permitted, having regard to its accordance with the development plan, national policy and any other material considerations; failure to produce evidence to substantiate each reason for refusal and failing to provide objective analysis in relation to the vague, generalised or inaccurate assertions about the proposal's impact.
4. The appeal application was determined by the Northern Area Planning Committee, contrary to the advice of its professional officer's recommendation. It is well established that members are not bound by the advice of its professional officers. However, in my separate decision, I have found that the scheme is compliant with development plan policy or where necessary, conditions were capable of being used to resolve any outstanding matters to make the development acceptable. In my view, there were many material considerations, not least the extant planning permission on the site and the Council's lack of five year housing land supply, which indicated that the scheme should not have been prevented or delayed at all. The Council's limited defence of the stated reasons for refusal does not lead me to a different conclusion.
5. In view of the above, I find the Council has behaved unreasonably by delaying development that should clearly have been permitted. As such, unnecessary

expense of the type described in the PPG has occurred and a full award of costs is therefore warranted.

Costs Order

6. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Wiltshire Council shall pay to Codex Land PCC Limited - Cell C, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
7. The applicants are now invited to submit to Wiltshire Council, to which a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

H Nicholls

INSPECTOR