



Costs Decision

Site visit made on 2 December 2025

by D R Kay BA Dip.Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 3 March 2026

Costs application in relation to Appeal Ref: APP/Y3940/W/25/3371023

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 C Stone for a full award of costs against Wiltshire Council.
 - The appeal was against the refusal of the Council to grant permission in principle for the erection of a minimum of 6 and a maximum of 9 dwellings.
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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. Unreasonable behaviour on the part of a local planning authority may include a number of reasons, which are defined in the PPG. In claiming the costs of the appeal, the applicant submits that the Council has acted unreasonably in substantive terms. It is asserted that the Council, whilst determining the application, failed to address matters of dispute, which the applicant considers were capable of resolution. As a result, the applicant asserts they have been forced to appeal against the Council's decision, causing them to incur unnecessary or wasted expense in the appeal process.
4. Having examined the evidence, there is dispute between the parties as to the lawful use of the appeal site. However, this is a matter which should be dealt with through a separate Certificate of Lawfulness of Existing Use or Development application.
5. The Council, having examined the application submitted by the applicant, exercised their Planning and Compulsory Purchase Act 2004 section 38(6) duty. The applicant failed to provide sufficient information to allow the Council to carry out an Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017. Whilst the Council could have requested this further information from the applicant, it is not for the Council to request information that it is the applicant's duty to provide, as identified by the PPG. Further, I find that the submission of the additional information, would not have overcome the applications' conflict with spatial policy that the Council found, as I have also found in the main appeal.

6. I therefore find that the LPA have not acted unreasonably in these regards. As I have not found unreasonable behaviour, I do not have reason to consider whether unnecessary or wasted expense has been incurred.

Conclusion

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

D R Kay

INSPECTOR