Planning Inspectorate

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/25/3371024
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 C Stone.
- The appeal was against the refusal of the Council to grant outline planning permission for the erection of 3 dwellings and associated detached garages with all matters reserved except for access.

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 an applicant may include several reasons, which are defined in the PPG. In claiming the costs of the appeal, the Council submits that the applicant has acted unreasonably in substantive terms in appealing the Outline Permission application. It is asserted that the applicant has submitted the application, for an increased level of development, despite receiving refusal decisions on previous applications for smaller extents of development on the same site, knowingly with little chance of success. It is further asserted that the applicant has withheld information on ecological effect of the proposals on protected species. As a result, the Council has been forced to defend the appeal against the appellant, causing the Council to incur unnecessary or wasted expense in the appeal process.

4. The applicant had received an appeal dismissal decision[1] in May 2024 on a previous full application for a single dwelling on the appeal site. That decision was prior to the amendment of the National Planning Policy Framework (the Framework) in December 2024. That amendment, among other things, included changes to the policies regarding sustainable development and the 5-year housing land supply (5YHLS) requirements placed on Councils.

5. Accordingly, whilst there have been no changes to the local development plan policies, or the conservation area designations in the intervening period, which might influence the decision on the appeal application, the change in national policy

[1] APP/Y3940/W/23/3331278

to the Framework, which places greater emphasis on 5YHLS, does. It is, therefore, relevant to the reasoning of the applicant in making the application.

6. Where Council's cannot demonstrate 5 years housing land supply, as is the case here, then policies within the Framework take precedence over the development plan, which are deemed to be out of date, subject to compliance with policies which protect areas or assets of particular importance. The greater the amount of development proposed, and the worse the Council's 5YHLS, then potentially the greater the weight attributed in the planning balance to the proposal.

7. For the above reason, I find that the applicant has not acted unreasonably in submitting the application for increased levels of development, or for taking the Council's decision to appeal, as the change in national policy and the Council's current 5YHLS position, would have lent support to such an application.

8. With regards to the submission of information defining the ecological effect of the proposals on protected species, whilst this information was not submitted with the application, such information was submitted with the appeal. Ultimately, the information submitted was not sufficient to rule out a likely significant effect of the proposal on a Habitat Site. However, I do not find the applicant to have acted unreasonably in this regard.

9. I therefore find that the applicant has 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

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

D R Kay

INSPECTOR