



Costs Decision

Site visit made on 13 April 2026

by Mr Cullum Parker BA(Hons) PGCert MA FRGS MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 20 April 2026

Costs application in relation to Appeal Ref:

APP/Y3940/W/25/3376878

Land South of Potterne Park Farm, Nr Potterne, Devizes, Wiltshire, SN10 5QT

- 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 Anthony Brindle for a full award of costs against Wiltshire Council.
 - The appeal was against the refusal of planning permission for described as '*Installation of a solar farm comprising ground mounted solar PV panels with a generating capacity of up to 49.9 MW, including mounting system, permanent on site grid connection hub, inverters, underground cabling, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping, biodiversity net gain and environmental enhancements for a temporary period of 50 years.*'
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Decision

1. The application for 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. The respective cases are detailed within submissions. I will not, therefore, restate it here in full. Put simply, the Applicant considers that it was unreasonable for the Council to refuse permission for the two reasons given, and that this behaviour resulted in unnecessary or wasted expense.

The first reason for refusal - Archaeology

4. The Applicant considers that as it was possible to impose a planning condition, and the Council had not followed national policy and failed to consider site-specific evidence and applied a unilateral, unjustified approach to decision-making.
5. The Council set out that the decision notice explained that the scheme involves ground disturbance through pile driving and subsoil boring, and, without field evaluation, the LPA could not lawfully complete the Framework heritage assessment (including the para 213/215 balance).

6. I also note that at the Statement of Case stage (February 2026), the Council had conceded that it was no longer contesting this reason for refusal at the appeal stage.
7. Taking into account the totality of the information before me on this matter, I do not consider that the Council had acted unreasonably. It is clear that the Written Scheme of Investigation (WSI) had been submitted just before the Committee meeting. Indeed, the Applicant would have been aware of the Officer Report to Planning Committee; which included a recommendation with a single suggested reason for refusal. It is likely that this prompted the Applicant to provide further information shortly before the Planning Committee met.
8. However, by that stage the application was before the Planning Committee to determine, and they undertook their duty to determine the application and refused for two reasons. Nevertheless, much of this was activity before the appeal took place. And early on in the appeal process, the Council conceded the first reason for refusal was surmountable by planning condition. In helping narrow the issues, I do not find that the Council acted unreasonably. Therefore, on this first issue, I do not find that unreasonable behaviour by the Council has occurred.

The second reason for refusal – landscape, visual impact, character and appearance

9. On this matter, the Applicant criticises the Planning Committee for not having formally visited the site and having apparently 'copied and pasted' a reason for refusal from another decision.
10. In terms of visiting the site, it is unclear as to whether there is a specific requirement for the Members to have visited the site before determining the proposal. There is, of course, a benefit in visiting a site before determining a proposal in order to understand both the site and its context. However, Planning Committees are typically comprised of elected representatives who live within or close to the Local Planning Authority area. It is not unreasonable for them to apply their local knowledge in determining a proposal nor to undertake site visits on an individual basis should they wish to do so.
11. Furthermore, it is evident that the Planning Committee were provided with a very detailed and comprehensive background to the site and its context within the Officer's report. This is a report which contains not only analysis but provides various drawings, plans and visualisations. It is clear that even if the Planning Committee did not undertake a formal site visit to the site, they had sufficient information before them to make a planning judgement on the scheme. This information included not only the Officer Report, but also representations from interested parties and indeed the Applicant's actual submission. It was not, therefore, unreasonable behaviour for a formal site visit not to have taken place in this case.
12. With regard to the decision of the Planning Committee on the second reason for refusal, fairly detailed minutes of the meeting have been provided. Whilst not a verbatim record of the meeting, from plain reading it appears as though the Planning Committee had given much thought to the issues that they considered arose from the scheme. They were assisted by the professional officers of the Council in this endeavour, who appear to have professionally advised the Committee on various matters as they were raised. This included regarding

landscape matters. Whilst it is clear that this was not a recommended reason for refusal, it is open to the Planning Committee to consider the information before them and attribute different weight to harms arising. In this case, this is what appears to have happened.

13. There is nothing unreasonable about elected members considering the evidence before them and concluding that the concerns raised by the local community provided justification for the refusal of planning permission. Furthermore, there is nothing unreasonable about the Council, as the Local Planning Authority, obtaining expert landscape advice in order to further refine its case at appeal. This expert advice was provided to the Applicant within the set timeframes. I do not, therefore, find that the Council acted unreasonably on this matter.

The second reason for refusal – The Potterne Neighbourhood Plan

14. I note the observations made by the Applicant in terms of the Potterne Neighbourhood Plan having been cited in the second reason for refusal. Yet the main part of the site lies outside of this plan area. Nonetheless, part of the site does lie within it. As noted in the appeal decision letter, there are not any specific policies relevant to solar developments within the Neighbourhood Plan. Accordingly, it is of very limited relevance to the determination of the planning application.
15. However, it is hard to see what unreasonable behaviour has occurred in this respect. The Potterne Neighbourhood Plan is made and therefore forms a part of the adopted development plan for the area. It was not unreasonable for the Council to have considered it as part of its decision-making process. Whilst, on reflection, the reason for refusal could have been more focussed, I do not find that this represents unreasonable behaviour on the part of the Council.

Other Matters

16. The Applicant has directed me to Opinion, other appeal decisions, and other documents in their costs application. I have taken these into account. However, I do not find that they alter my findings as detailed above. Moreover, although the appeal decision has granted planning permission, this does not modify the findings in respect of whether or not costs should be awarded in this case.

Conclusion

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

C Parker

INSPECTOR