The Planning Inspectorate

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Your Ref: PL/2022/03968
Our Ref: APP/Y3940/W/23/3317599
Further appeal references at foot of letter

09 October 2023

Dear Sir/Madam,

Planning (Listed Buildings and Conservation Areas) Act 1990, Town and Country Planning Act 1990
Appeals by HFH Developments Ltd
Site Address: Berrybrook Farm, Sedgehill, SHAFTESBURY, SP7 9JQ

I enclose a copy of our Inspector's decision on the above appeal(s), together with a copy of the decision on an application for an award of costs.

If you wish to learn more about how an appeal decision or related cost decision may be challenged, or to give feedback or raise complaint about the way we handled the appeal(s), you may wish to visit our "Feedback & Complaints" webpage at https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure.

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The Planning Inspectorate is not the administering body for High Court challenges and cannot change or revoke the outcome of an appeal decision. If you feel there are grounds for challenging the decision you may consider obtaining legal advice as only the High Court can quash the decision. If you would like more information on the strictly enforced deadlines and grounds for challenge, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

Guidance on Awards of costs, including how the amount of costs can be settled, can be located following the Planning Practice Guidance.

http://planningguidance.communities.gov.uk/blog/guidance/appeals/how-to-make-an-application-for-an-award-of-costs/

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Thank you in advance for taking the time to provide us with valuable feedback.

Yours sincerely,

Nadia Hussain
Nadia Hussain

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Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - https://www.gov.uk/appeal-planning-inspectorate

Linked cases: APP/Y3940/Y/23/3317604

The Planning Inspectorate

Appeal Decisions

Site visit made on 19 September 2023

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 09 October 2023

Appeal A Ref: APP/Y3940/W/23/3317599
Berrybrook Farm, Street Lane, Sedgehill, Wiltshire, SP7 9JQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Peter Harding of HFH Developments Ltd against the decision of Wiltshire Council.
- The application Ref PL/2022/03968, dated 23 May 2022, was refused by notice dated 11 November 2022.
- The development proposed is change of use of the Long Barn to holiday accommodation, including new fenestration, rooflights, an extension, internal alterations and refurbishment of a granary.

Appeal B Ref: APP/Y3940/Y/23/3317604
Berrybrook Farm, Street Lane, Sedgehill, Wiltshire, SP7 9JQ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr Peter Harding of HFH Developments Ltd against the decision of Wiltshire Council.
- The application Ref PL/2022/04157, dated 23 May 2022, was refused by notice dated 11 November 2022.
- The works proposed are change of use of the Long Barn to holiday accommodation, including new fenestration, rooflights, an extension, internal alterations and refurbishment of a granary.

Decision – Appeal A

1. The appeal is allowed, and planning permission is granted for change of use of the Long Barn to holiday accommodation, including new fenestration, rooflights, an extension, internal alterations and refurbishment of a granary, at Berrybrook Farm, Street Lane, Sedgehill, Wiltshire, SP7 9JQ, in accordance with the terms of the application, Ref PL/2022/03968, dated 23 May 2022, and subject to the conditions in the attached schedule.

Decision – Appeal B

2. The appeal is allowed, and listed building consent is granted for change of use of the Long Barn to holiday accommodation, including new fenestration, rooflights, an extension, internal alterations and refurbishment of a granary, at Berrybrook Farm, Street Lane, Sedgehill, Wiltshire, SP7 9JQ, in accordance with the terms of the application, Ref PL/2022/04157, dated 23 May 2022, and the plans submitted with it, and subject to the conditions in the attached schedule.

Applications for costs

3. Applications for costs were submitted by Mr Peter Harding of HFH Developments Ltd. These applications are the subject of separate decisions.

Preliminary Matters

4. The appeals relate to the same scheme under different legislation. I have dealt with both appeals together in my decision.

5. With the agreement of the main parties, the reference to the relocation of the Dutch barn was removed from the description of the proposal before the Council made its decision. The Dutch barn is to be demolished and removed from the site rather than relocated.

6. A set of amended plans have been submitted as part of the appeal. Drawing Nos. 27, 28 and 29 have been revised to amend the design of the proposed extension, which includes lowering its eaves, reducing the size of the opening in the existing external wall, and relocating the external door of the extension from the west to the south elevation. The changes are modest. I am satisfied that I should accept the amended plans and that no party would be prejudiced by my doing so. Accordingly, I shall determine the appeal with reference to drawing Nos 27 Rev C, 28 Rev D, and 29 Rev J; which replace Nos. 27 Rev B, 28 Rev C, and 29 Rev I.

Main Issues

7. The main issue for both appeals is the effect of the proposal upon the significance of the listed building known as Berrybrook Farmhouse[1].

8. An additional main issue for Appeal A is the effect of the proposal upon the living conditions of the occupiers of the neighbouring dwelling, known as Sedgehill House.

Reasons

Listed building

9. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

10. The long barn stands alongside Berrybrook Farmhouse, which is a grade II listed building. The barn is associated with the farmhouse and within its curtilage. Accordingly, and with reference to the LBCA and established caselaw, the designation of Berrybrook Farmhouse as a listed building extends to the barn.

11. Berrybrook Farmhouse dates from the late 17th century. It has simple vernacular detailing, but owing to its broad front elevation and position fronting the road it has considerable presence. Its walls are built of large blocks of local Greensand stone that are set under a steep clay tile roof. Its materials contribute to local distinctiveness.

[1] Official list entry Number 1131127

12. The farmhouse represents the administrative and domestic hub of the farmstead, with buildings to one side illustrating the working side of the farm. These include the appeal building, which takes the form of a long and prominent range that extends out towards the road edge and defines the working yard area between it and the farmhouse. The building is prominent in the local landscape. It retains its historic scale, simple functional form and some original openings. These are characteristics that contribute to its significance. Additionally, these factors are also positive components of the setting of the farmhouse that contribute to an understanding of the role it played as the hub of a working farmstead, as well as tying it to its agricultural landscape.

13. The drawings set out a scheme to convert the now redundant brick range into a new use, which would secure its repair and give it a sound future. The east elevation, which faces towards the farmhouse and encloses the historic yard, would be treated simply by re-using existing openings and retaining doors in a fixed open position. This would maintain the visual character of the building and an understanding of the functional role it played in the farmstead.

14. The rear elevation would be more altered. This elevation is less prominent. It faces away from the yard, although it is not without significance, and is prominent to view from the road and the environs of the neighbouring dwelling. Additional openings would be inserted here, but these would have a simple appearance, and areas of blank masonry would be retained.

15. Rooflights inserted into the west facing roof would alter the appearance of the roof. However, they would be grouped together which would give them a loosely industrial appearance that would be appropriate to the character of the building. Providing well detailed conservation type units are used, I am satisfied that they would not harm the significance of the building. Furthermore, they have the benefit of leaving the end hip roof and long east facing slope unbroken, which would preserve the appearance of the building relative to the primary environs of the farmhouse. They would provide an appropriate level of daylight to the existing first floor area, sufficient to allow for a domestic use to be introduced.

16. A small lean-to extension would be added to the rear façade, towards its northern end and thus away from the road. Once boundary vegetation is established this addition would be difficult to view from the road. Its simple form and detailing would respond appropriately to the character of the brick barn and would not appear overly domestic. It would sit tight against the rear façade of the building and thus respect its strong linear form. For these reasons I am satisfied that this element of the proposal would not be harmful.

17. The gardens to serve both holiday units would be set at the rear of the building, in a space that is already well defined by the building's rear elevation and the plot boundary to the west. This area would lend itself naturally to such a role. The gardens would be well contained by the existing boundary to the west and south, which would be enhanced by additions to the boundary wall and a substantial hedge along the western boundary, sufficient to ensure that the domestic use of this area would not be overly prominent or detract from the significance of the building or building group.

18. It is suggested that the proposal represents overdevelopment. The building is of a substantial length, and of a volume that allows a split into two well laid out

and spacious units with ease. Amenity space would be easily provided and the primary east facing elevation would be retained with limited intervention thus securing the character and appearance of the farmstead. I can therefore not agree that the proposal would represent the overdevelopment of the existing building.

19. The master plan includes a driveway between the building and the farmhouse that would serve the whole site. This would separate the farmhouse from the barn and erode the quality of the intervening yard as a single functional space that ties the buildings together and points to their agricultural heritage. The associated subdivision of the space alongside the barn that would form what would effectively be two front garden spaces would erode the building's agricultural setting. However, the driveway layout is shown on the site plan that was approved as part of an earlier application for the farmhouse[2]. I am therefore not satisfied that this matter should weigh against the proposal.

20. In summary, the proposal is for the sensitive re-use of the building that would secure its future conservation. It would preserve the character and appearance of the farmstead and thus would not harm the significance of the listed building known as Berrybrook Farmhouse. It would thus accord with the requirements of the LBCA, the National Planning Policy Framework (the Framework), and Policies CP48, CP57 and CP58 of the Wiltshire Core Strategy 2015 (WCS), which together seek to ensure that development proposals are of a high standard of design that protect, conserve and where possible enhance the historic environment, and lead to the long term safeguarding of a heritage asset.

Living conditions

21. The proposed garden areas would face towards the neighbouring dwelling, Sedgehill House. This house stands a considerable distance from the barns and the garden boundary and is surrounded by extensive grounds. The new gardens would abut the existing driveway and be close to the garden that serves the neighbouring dwelling, however these are open and form part of the generous approach to the house. The area immediately to the west of the site has the character of a paddock. The more private areas of garden that serve Sedgehill House would appear to be closer to the dwelling and well away from the appeal site.

22. In addition to these physical characteristics the proposal includes a robust rear boundary in the form of two hedges that would be planted either side of a high fence. The ground level would be reduced also, which would make it difficult to have a meaningful view of the neighbouring property from the proposed gardens. Comments before me suggest that this would not be sufficient owing to the level differences between the proposed gardens and the neighbouring dwelling. The neighbouring dwelling stands on higher ground. It would therefore be possible for there to be some mutual views from one building to the other, however the distances are so great that such views would not result in a loss of privacy.

23. The hedgerow would take time to establish. This is addressed by the provision of a fence, which would provide the necessary privacy level in the interim period. A condition to ensure that the hedges are maintained for the first few

[2] Council Ref: PL/2021/08480

years so that they establish would ensure that an appropriate long term boundary develops.

24. Views out from ground level openings of the appeal building would facilitate only very limited views towards the neighbouring dwelling. The proposed rooflights would give a view out in this direction from a more elevated position, however because of the alignment of the building these would be primarily towards the area of paddock and would in any case serve bedrooms which would not be routinely in use during the main part of the day.

25. The proposal would generate additional light that would be apparent from the neighbouring dwelling, particularly from the rooflights. This would not however be significant given the distances involved, and the impact could be mitigated by the application of a film to reduce light spill.

26. There would be some intrusion from an increased level of activity generated at the site, including visitors making use of the gardens and a modest increase in noise at times. Considering these matters together, I do accept that the proposal would change the environs of the neighbouring dwelling and given that it currently enjoys an isolated and private setting the occupiers of the dwelling could perceive the impact as significant. However, given the distance and proposed boundary treatment I am satisfied that the change that the occupiers of the neighbouring dwelling would experience would not be harmful.

27. In summary, the proposal would not harm the living conditions of the occupiers of Sedgehill House. It would thus accord with Policies CP48 and CP57 of the WCS, which together seek to ensure that development proposals consider and are not detrimental to the amenities of residential areas.

Other Matters

28. There are several observations before me that relate to the principle of the proposed use and whether the proposal would comply with Policies CP39 and CP48 of the WCS. I note that this is a matter that is covered thoroughly by the Council in its report to the planning committee, and that the Council did not refuse the proposal on the basis that the proposed use would not be acceptable in principle.

29. I accept that the proposal would not strictly accord with Policy CP39 of the WCS in terms of the first two criteria. I have found however that it would not harm the character of the building or the living conditions of the occupiers of the nearest neighbouring dwelling. Additionally, the building is served by an adequate means of access, and has reasonable access to local services. In any case, this Policy would not appear to be entirely relevant to a proposal for the conversion of an existing heritage asset, which is in need of a new long term use, to holiday accommodation.

30. Policy CP48 of the WCS is directly relevant to the proposal. Criteria iii and iv use the words adequate and reasonable. This is an appropriate test for a rural site where development is rightly only allowable on an exceptional basis, recognising that a site that is rurally located will not perform as well as a site in a built up area with a high level of accessibility. The other criterion of this Policy would be met and are addressed already in my reasoning. Thus, I am satisfied that the proposal would fully accord with this Policy.

31. Comments relate to the perceived piecemeal development of the site. Whilst I understand that this may be a frustration, particularly for those who live locally, my assessment of the appeal needs to be made on the basis of the proposal that is before me and cannot take into account future plans for other parts of the site which appear to be unknown.

32. Submissions refer to the impact of the proposal on the wider character and appearance of the area including its landscape character and status as a special landscape area. I have found that the proposal would safeguard the character and appearance of the barn and thus the significance of the wider historic farmstead. The site is well contained, and the proposal would not cause development or built form to spread into existing undeveloped areas. I am thus satisfied that there would be no wider character or landscape impacts arising from the proposal.

Conditions

33. I have had regard to the conditions suggested by the Council. I have considered these against the tests in the Framework and the advice in the Planning Practice Guidance.

Appeal A – planning permission

34. I have imposed a condition for the planning permission that specifies the approved plans as this provides certainty.

35. I have imposed a condition [3] to secure details of hard and soft landscaping, to safeguard the character and appearance of the area and setting of the heritage assets. This condition needs to be a pre-commencement condition to ensure that measures to protect existing trees are in place before other work occurs. Condition 4 secures the timing for the landscaping works, and ensures that it is maintained to ensure that vegetation establishes.

36. I have imposed a condition [5] to minimise light spill to safeguard the rural character and appearance of the area.

37. Conditions 6-9 are all necessary to maintain highway safety, by ensuring that loose stones and surface water does not discharge onto the highway, that the approved access and parking is provided so that vehicles are not parked on the highway and that the gates open inwards to avoid a highway obstruction. I have not specified that the gates should be set back 5 metres from the carriageway edge as the Council suggested, as this is shown clearly on the approved plans.

38. Condition 10 ensures that the development would accord with the recommendations set out in the ecology report to manage its biodiversity impacts. I have not included a reference to the ecology plan as this is included in the report and within the list of approved plans.

39. Conditions 11 and 12 are necessary to ensure that the two units are used for the intended purpose, as the site is located in an area where the provision of open market housing would not accord with the development plan. The appellant suggests that a condition that ensures that the units are not occupied as a main residence is not necessary as a further suggested condition would limit occupation to a continuous period of not more than 28 days. Although unlikely, it would however be possible for one of the units to be occupied as a

main residence for up to 28 days. Therefore, I am of the view that both measures should be included within a condition. To make the schedule of conditions more concise I have set these stipulations out in a single condition.

Appeal B – listed building consent

40. I have imposed conditions 2 and 3 to require the work to be carried out to an appropriate standard that will ensure that the listed building and its setting is not harmed.

Conclusion

41. For the reasons above, both appeals should be allowed.

A Tucker

INSPECTOR

Schedule of Conditions – Appeal A – Planning Permission

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing Nos. 22 Rev A, 23, 24 Rev A, 25 Rev A, 26 Rev A, 27 Rev C, 28 Rev D, 29 Rev J, 30 Rev B, and Figure 3 Mitigation, Compensation and Enhancement Plan.

3) No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
   i) The location and current canopy spread of all existing trees on the land;
   ii) Full details of any to be retained, together with measures for their protection in the course of development;
   iii) A detailed planting specification showing all plant/hedgerow species to include species, size and density;
   iv) Details of means of enclosure to include details of the fencing and new estate fencing lining the entrance drive; and
   v) All hard and soft surfacing materials to include details of the surface way material that shall not be tarmac and details of refuse bin storage and bike storage.

4) All soft landscaping comprised in the approved details of the landscaping scheme shall be carried out in the first planting and seeding season following the first occupation of the units or the completion of the development whichever is the sooner; All shrubs, trees and any other planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of the units or in accordance with a programme to be agreed in writing by the Local Planning Authority.

5) The development hereby approved shall not be first brought into use until all glazing to be inserted into the converted building has been fitted with solar control film, to reduce visible light transmittance and spill as per the details of an email received by the Local Planning Authority dated 9th September 2022. Once installed the measures shall be permanently retained.

6) The development hereby approved shall not be first brought into use until the first 5 metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

7) The development hereby approved shall not be first brought into use until the gully below the gates that is shown on drawing no. 29 Rev I has been constructed and is fully functioning. The gully shall thereafter be maintained to prevent surface water from the site from entering the highway.

8) The development hereby approved shall not be first brought into use until the access, turning areas and parking spaces have been completed in accordance

with the details shown on the approved plans. The area shall always be maintained for those purposes thereafter.

9) The gates hereby approved that will serve the main access shall be inward opening.

10) The development shall be carried out in strict accordance with Darwin Ecology Ecological Impact Assessment July 2022.

11) Notwithstanding the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (or any Order revoking and re-enacting this Order), the holiday accommodation hereby approved shall be used for holiday accommodation only and for no other residential or business purpose.

12) The holiday accommodation hereby approved shall not be occupied as any person's sole or main place of residence, and it shall not be occupied as holiday accommodation for a continuous period of more than 28 days in any calendar year. The holiday accommodation hereby approved shall not be re-occupied by the same person within 28 days following the end of that period.

END OF SCHEDULE OF CONDITIONS – APPEAL A

Schedule of Conditions – Appeal B – Listed Building Consent

1) The works hereby approved shall begin not later than 3 years from the date of this decision.

2) The works hereby approved shall not commence above DPC level until details of the following have been submitted to and approved in writing by the Local Planning Authority:

   i) Details of all new gates,

   ii) Details of all new external doors and windows, including the bi-folding doors and details of the rooflights to be used that shall be metal, flush and conservation style. Brochure details will be sufficient,

   iii) Details of new external masonry including a sample panel to show pointing details,

   iv) Details of all new metal rainwater goods, including details of the finish, and

   v) Details of external lighting.

3) Prior to the commencement of work to the Granary (building E) a schedule of work covering the repair of the Granary shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include a photographic record of the timber framed structure that is made before the work commences, details of the proposed reclaimed roof tiles and new loft door, and details of the cill plate replacement and how these works will be carried out. Such repairs shall be carried out in situ in accordance with the approved schedule. No consent is hereby granted for the building to be dismantled. The window in the north elevation shall be repaired and not replaced unless otherwise agreed in writing by the Local Planning Authority.

END OF SCHEDULE OF CONDITIONS – APPEAL B

The Planning Inspectorate

Costs Decisions

Site visit made on 19 September 2023

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 09 October 2023

Costs application in relation to Appeal A Ref: APP/Y3940/W/23/3317599
Berrybrook Farm, Street Lane, Sedgehill, Wiltshire, SP7 9JQ

- 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 Peter Harding of HFH Developments Ltd for a full award of costs against Wiltshire Council.
- The appeal was against the refusal of planning permission for change of use of the Long Barn to holiday accommodation, including new fenestration, rooflights, an extension, internal alterations and refurbishment of a granary.

Costs application in relation to Appeal B Ref: APP/Y3940/Y/23/3317604
Berrybrook Farm, Street Lane, Sedgehill, Wiltshire, SP7 9JQ

- The application is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
- The application is made by Mr Peter Harding of HFH Developments Ltd for a full award of costs against Wiltshire Council.
- The appeal was against the refusal of listed building consent for change of use of the Long Barn to holiday accommodation, including new fenestration, rooflights, an extension, internal alterations and refurbishment of a granary.

Decision – Application in relation to Appeal A

1. The application for costs is allowed in full, in the terms set out below.

Decision – Application in relation to Appeal B

2. The application for costs is allowed in full, in the terms set out below.

Reasons

3. 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.

4. The applicant submits that the Council's reasons for refusing the applications were not substantiated at appeal, and that they do not adequately counter the previously expressed views of the Council to justify the refusal reasons.

5. In this respect it is entirely reasonable for a planning committee to come to a different view to the recommendation put forward by its officers. However, given that this would be contrary to the detailed recommendations set out in a committee report, it is essential that the reasons for refusal are robustly substantiated.

6. The refusal reasons are not clearly worded. On an initial reading it appears as though the proposal was refused due to heritage impacts. There is however nothing of any substance in the Council's appeal statement to substantiate the reference in the refusal reasons to the proposal's impacts on the character of the listed barn and the setting of the heritage assets. This is essential given the clear position that was set out in the committee report, which had been developed following detailed input from the Council's conservation specialist. Thus, with reference to the PPG I find that the Council failed to produce evidence to substantiate a reason for refusal.

7. Instead, the Council's appeal statement focusses on the impact on the living conditions of those who occupy the neighbouring dwelling. This is a matter that is referred to in only vague terms in the Council's refusal reason for the planning application, with reference to the impacts on the amenity of the surrounding area. It would not, on the basis of a straightforward reading, constitute the main reason that the proposal was refused. I therefore also find that the Council has behaved unreasonably by making vague, generalised or inaccurate assertions about a proposal's impact.

8. These matters are compounded by the Council's reference to the insertion of a new first floor into the building. The building already has a first floor. These references would not appear to be limited to the use of the first floor as living accommodation rather than its construction, as the Council suggests in its cost's rebuttal. The Council referred to internal alterations to form a first floor, suggesting that the building would be adapted for the floor to be inserted. In this respect the Council demonstrates a misunderstanding of the nature of the proposal, which further reinforces the position that its assertions about the proposal's impact are inaccurate.

9. The Council found that harm would arise from the proposal in relation to its impact on the character of the listed barn and the setting of the heritage assets. However, it did not quantify the level of harm or its nature, and there is nothing in the committee minutes or Council's appeal statement to demonstrate that this harm was weighed against the public benefits of the proposal in accordance with the National Planning Policy Framework. This should have taken into account the benefits of providing a new long term use to the building and the repair of the granary.

10. I need to consider whether the unreasonable behaviour of the Council has resulted in unnecessary or wasted expense on the part of the applicant. The applicant has incurred unnecessary and wasted expense by lodging appeals against refusals that should have reasonably been permitted. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that a full award of costs is justified for both applications.

Costs Order – Appeal A

11. 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 Mr Peter Harding of HFH Developments Ltd, 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.

12. The applicant is now invited to submit to Wiltshire Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Costs Order – Appeal B

13. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 3 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Wiltshire Council shall pay to Mr Peter Harding of HFH Developments Ltd, 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.

14. The applicant is now invited to submit to Wiltshire Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

A Tucker

INSPECTOR