



Costs Decision

Site visit made on 13 December 2023

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2023

Costs application in relation to Appeal Ref: APP/R3325/W/23/3318600 Former Radio Station Site, Watts Quarry Lane, Somerton TA11 7JE

- 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 Beacon Vale Developments Ltd for a full award of costs against Somerset Council.
 - The appeal was against the refusal of planning permission for provision of a single dwelling and double garage with associated access and parking.
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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. The Applicant's claim is a substantive, rather than procedural one and sets out that the Council has been unreasonable in refusing planning permission based on the unsustainability of the site. A number of examples have been offered of other cases¹ where the Council have found other rural sites to be sustainably located which are allegedly similar to the appeal site. However, I have limited details of the merits of those particular examples. The Applicant alleges that they have been put to wasted expense in pursuing the appeal; though it would not have done so on the issue of the effects on the Somerset Levels and Moors Special Protected Area (SPA) alone.
4. In response, the Council has provided a breakdown of the considerations which factored into the overall outcome and offers a comparison with the examples provided by the Applicant. The Council also indicate that the issues with the proposal were raised with the Applicant, and further comments received in reply were taken into account. The absence of details on the potential effects on the SPA and any necessary mitigation also led to the decision to refuse permission.
5. Taking the views of the parties into account, my view is that the Council was entitled to arrive at the decision that it did and has not done so unreasonably. The substantive merits of the case are finely balanced and the overall balance is inhibited by the absence of mitigation for potentially likely effects on the SPA under the terms of the National Planning Policy Framework.

¹ 13/02322/FUL, 16/02975/FUL, 19/01551/FUL and 20/01667/FUL

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

Hollie Nicholls

INSPECTOR