



Costs Decision

by H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 June 2024

**Costs application in relation to Appeal Ref: APP/E3335/W/23/3330385
Land at Bulls Quarry Road Coordinates 376979 14506, Frome, BA11 5BN**

- 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 Ms Tammy Barney for a full award of costs against Somerset Council.
 - The appeal was against the refusal of planning permission for change of use to create 2no. gypsy caravan pitches, with associated works (outline application) (part retrospective).
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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. Costs can only be awarded in relation to unnecessary or wasted expense at the appeal stage, but behaviour and actions at the time of the planning application can be taken into account in the Inspector's consideration of whether or not costs should be awarded.
4. The appellant seeks a full award of costs on the basis that the appeal would have been unnecessary had the Council properly assessed the application, by means such as taking proper account of the appellant's status and by undertaking its responsibilities under the Public Sector Equality Duty.
5. However, as I found that the application type proposed (outline) would not allow for consideration of the proposal in any event, the merits of the scheme have not been assessed and the appeal has been dismissed. As such, I do not find that wasted expense has been incurred as a result of the Council's actions.
6. For the reasons outlined, the application for costs is refused.

H Nicholls

INSPECTOR