



Costs Decision

Site visit made on 14 May 2024

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2024

Costs application in relation to Appeal Ref: APP/E3335/W/23/3330118 Higher Clapton Farm, Higher Clapton Lane, Maperton, Wincanton BA9 8EB

- 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 T Archer for a full award of costs against Somerset Council.
 - The appeal was against the refusal of planning permission for change of use of an agricultural building to commercial use (Use Class B2).
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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 case is that the Council failed to produce evidence to substantiate each reason for refusal and made vague, generalised or inaccurate assertions about the proposals impact, which were unsupported by objective analysis, particularly in the light of statutory consultees raising no objection to the proposal.
4. The Council's Officer Report sets out why the Council found the proposal to be unacceptable in terms of its impact on highway safety, noise and its compliance with the development plan in terms of location. The Council's appeal submissions included an appeal statement by Somerset Council Highways. Notwithstanding that the Council's Environmental Health Specialist chose to make no comments on the proposal, I have found that the Council had reasonable concerns about the impact of the proposal which justified its decision in respect of reasons 1,2 and 3 and that the Council's case for refusal was well-founded.
5. The information provided with the planning application in respect of the impact on protected species (reason for refusal 4) was very limited. The Council could not be certain from the information provided that the proposal would not have a harmful effect on wildlife. The applicant provided an assessment as part of the appeal and on that basis, I was able to ascertain that there would be no harm but that information was not before the council when they made their decision.
6. Therefore, whilst I have not found in favour of the Council in respect of their reason for refusal 4, I have found that the proposal would be contrary to the

development plan and I have dismissed the appeal. Accordingly, an appeal could not have been avoided and it therefore follows that the applicant has not been put to unnecessary or wasted expense.

7. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award of costs is therefore not justified.

Alison Fish

INSPECTOR