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## Costs Decisions

Accompanied site visit made on 4 February 2025

**by Nick Fagan BSc (Hons), DipTP, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 February 2025

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### **Costs applications in relation to Appeal Refs: APP/F0114/C/24/3353159, 3353889 & 3354940**

#### **Parcel 4048, Durley Hill, Keynsham, Somerset BS31 2AT**

The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).

The applications are made by Durley Farm Ltd, Carlo Plumpton & Scott Plumpton for a full award of costs against Bath and North East Somerset Council.

The appeal was against an enforcement notice alleging the change of use of Land from agriculture to a mixed use consisting of agriculture, the stationing of caravans for residential use, waste transfer station, burning of waste and open-air storage.

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### **Decisions**

1. The applications for an award of costs are 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 applications are jointly made on the following basis. First, that the Council has unreasonably tried to prevent the appeals. Secondly, that the Council has harassed and bullied the appellants, even when it knew that it was causing distress to them.
4. The Council was entitled to raise questions about the appellants' interests in the land. It was also entitled to investigate the alleged breach of planning control reported to it. This led to the service of the Planning Contravention Notice, which the appellant Mr Bown took a long time to reply to, and his reply is essentially illegible. So, rather than the Council being unreasonable, it would appear that Mr Bown has behaved unreasonably in seeking to frustrate the Council's enforcement investigation.
5. Therefore, unreasonable behaviour on the part of the Council resulting in unnecessary or wasted expense to the appellants has not occurred and an award of costs is not warranted.

*Nick Fagan*

INSPECTOR