



Costs Decision

Site visit made on 12 April 2025

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 13 May 2025

Costs application (1)

in relation to Appeal Ref: APP/Q3305/W/24/3357776

Foxleigh Stables, Budge Lane, Blatchbridge, Frome, Somerset, BA11 5EH.

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Somerset Council for a full award of costs against Mr Carl Pitman.
 - The appeal was against the refusal of the Council to grant planning permission for Retention of 4 stables/tack room and outdoor menage and construction of hay store.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance 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. Somerset Council (the Council) consider that the appeal to which this application refers had no reasonable chance of success and that its submission amounted to unreasonable behaviour on the part of the appellant, Mr Carl Pitman.
4. The description of development appearing in the planning application refers only to built development (seeking both retention of, and permission for, separate elements) and not to use as a riding school although the form was completed with reference to employees and that opening hours would be 08.00–18.00 every weekday and at weekends¹. The Council confirm the application was determined as a commercial riding stables involving a change of use on the basis of the submitted information and without reference to the applicant's email of June 2024. It is therefore disappointing, against a background of previous permissions, references to enforcement and withdrawn applications, that the application was validated by the Council seemingly without clarification on that, ultimately key, point as to the nature of the use proposed. It is clear that the applicant was open to a

¹ The officer report refers to a different regime that is stated in the Design and Access Statement for only weekend operations.

limitation of use such that what was originally sought to be approved might have been made acceptable prior to validation had the matter been raised.

5. Whilst that, of itself, does not indicate unreasonable behaviour on the part of the Council, it does indicate that both parties contributed to the resultant appeal. I consider that in circumstances where the Council had not made it clear that a change of use in the land was a material consideration it was not unreasonable for the applicant to have sought to test the issues which directed a refusal.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Andrew Boughton

INSPECTOR