



Costs Decision

Site visit made on 29 April 2025

by **C Rose BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 May 2025

Costs application in relation to Appeal Ref: APP/E3335/W/25/3359859

The Field of Study, Milverton Road (B3187), Runnington, Wellington, Somerset TA21 0QJ

- 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 Simon Masters for a full award of costs against Somerset Council.
 - The appeal was against the refusal of Permission in Principle for the erection of 2 No. dwellings with electric charging points and upgrades to foul water system.
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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 states that the Council's Decision Notice and Statement of Case demonstrate an unreasonable application of policy and the disregard for relevant material considerations including the need for housing, benefits of the application, the 'fallback' position, human rights and family specific needs of the applicant, unreasonable weight to interested party comments and a failure to follow guidance in the National Planning Policy Framework (the Framework). Furthermore, the applicant states that the Council has been inconsistent in its approach compared to other Somerset Council's regarding the 'fallback position'.
4. In response, the Council state that they interpreted policy in the usual way with limited details provided in relation to which school the children attend and what family specific needs were being referred to. Furthermore, the Council state that it balanced the need for housing and lack of five year housing land supply against the desire to protect the rural landscape, carefully considered and weighed the planning policies against the benefits of the proposal and simply list and note the comments from interested parties. Furthermore, it sought legal advice regarding the 'fallback position'.
5. I have found in my main decision that there are likely significant effects on the integrity of the Somerset Levels and Moors Ramsar site, and that as a result the proposal constitutes habitats development with an application for planning permission required. In light of this, given that the Council sought legal advice regarding the 'fallback' position, in the absence of specific examples of the Council being inconsistent in its approach with similar proposals, and as each appeal must

be considered on its merits, I cannot conclude that the Council's approach dismissed the 'fallback' position, was inconsistent or unreasonable. With regard to the comments from interested parties, the Council has limited control over these and simply referenced them in the report with little clear evidence before me of the Council given them unreasonable weight.

6. The Council's evidence considers the other material considerations put forward in relation to the need for housing, its location and visual effect along with guidance in the Framework, lack of five year supply of deliverable housing sites and assessed them alongside development plan policies to justify and explain its decision. As I have come to a similar conclusion in my main decision, I cannot conclude that the Council's interpretation of policy was unreasonable, excessively restrictive, or failed to properly balance and weigh matters.
7. As the proposal would affect the integrity of the protected site, I am required to dismiss the main appeal as it does not comply with Article 5B of the Town and Country Planning (Permission in Principle) Order 2017 (as amended). As a result, and as stated above, the proposal requires consideration as part of an application for planning permission. Given this, given that other matters related to human rights and family specific needs of the appellant were lacking in detail at the time of the submission of the planning application, I cannot conclude that the Council acted unreasonable in refusing the application or in their handling of the appeal.
8. Therefore, unreasonable behaviour on procedural or substantive terms resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.
9. The application for an award of costs must therefore fail.

C Rose

INSPECTOR