



Costs Decision

Site visit made on 9 June 2025

by D Nicholson RIBA IHBC

an Inspector appointed by the Secretary of State

Decision date: 26 June 2025

Costs application in relation to Appeal Ref:

APP/W3330/W/24/3347918

Kimmins Moor, Skilgate, Taunton, Somerset, TA4 2DL

- 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 Peter Govier for a full award of costs against Somerset Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for: Erection of 1 No. dwelling with associated works.
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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 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 Council failed to determine the application within a reasonable time period, obliging the Appellant to take it to appeal. The extent of delay was unreasonable. I acknowledge that during this time the Councils were in the process of merging, but while this may be a reason it is not an excuse. On the other hand, the Council's statement explains why it would have refused the application, meaning that an appeal would have been inevitable in any case. Consequently, the costs of the appeal were unavoidable.
4. Therefore, while unreasonable behaviour may have occurred, this did not result in unnecessary or wasted expense and an award of costs is not warranted.

D Nicholson

INSPECTOR