Planning Inspectorate

Costs Decision

Site visit made on 6 May 2025

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2025

Costs application in relation to Appeal Ref: APP/F0114/W/24/3357348
Meadow Farm Ruett Lane, Farrington Gurney, Bristol BS39 6UP

- 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 M Pugh for a full award of costs against Bath and North East Somerset Council.
- The appeal was against the grant subject to conditions of planning permission for erection of a single storey dwelling following demolition of existing stable buildings.

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 applicant explains that the Council requested the commissioning of a Biodiversity Net Gain (BNG) assessment and as the proposal is for a self-build dwelling that would be exempt from the BNG rules, it was unreasonable for them to request the assessment and attach the disputed planning condition, and unnecessary or wasted expense occurred from the applicant having to appeal the imposition of the condition.

4. However, as concluded in my appeal decision, there is no suitable means to ensure that the first occupation of the proposed dwelling would be by persons that had built or completed it. As such, the appeal proposal would not be secured as a self-build house, and I was not satisfied that the proposed scheme would be exempt from the BNG rules.

5. As such, it was not unreasonable for the Council to request the assessment or impose the disputed condition. Whilst this was not the reason that the Council gave for requesting the assessment or imposing the condition, I found that the reasons they gave were reasonable, and in any event, there was a requirement for the proposal to comply with the BNG rules.

6. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

K Reeves INSPECTOR