



Costs Decision

Site visit made on 23 June 2025

by **B Phillips BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 July 2025

Costs application in relation to Appeal Ref: APP/E3335/D/25/3365607

9 Brendon Road, Wellington, Somerset, TA21 8RL

- 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 & Mrs Darlow for a full award of costs against Somerset Council.
 - The appeal was against the refusal of an application for planning permission for the erection of two storey extensions to the front, side and rear.
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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 PPG sets out that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by making vague, generalised or inaccurate assertions about a proposal's impact, refusing planning permission on a planning ground capable of being dealt with by conditions and not determining similar cases in a consistent manner.
4. The Council make the case in the officer report that the other examples of two storey front gables along the street were subject to previous policy contexts and have substantiated their concerns with regards to the design and scale of the proposed gable. Whilst I have come to a different conclusion, I find that the Council's case is sufficiently detailed and refers to general design policy.
5. Previous detailed advice was given by the Council in relation to what would be considered acceptable and as such, the Council were not unreasonable in determining the application without requests for amendments.
6. The Officer report sets out that town council comments had not been received in sufficient time and as such was not taken into account.
7. It has not therefore been demonstrated that the applicant's time and expense in defending this matter was not necessary and has resulted in unnecessary or wasted expense on their behalf.

Conclusion

8. I conclude that unreasonable behaviour, either procedural or substantive, resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. The application for an award of costs is therefore refused

B Phillips

INSPECTOR