



Costs Decision

Site visit made on 11 July 2025

by Lewis Condé BSc, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2025

Costs application in relation to Appeal Ref: APP/E3335/W/24/3358073
Land to the west of Blagdon Hill Road, Blagdon Hill, Easting (x): 321057
Northing (y): 118009

- 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 Messrs M and G Tottle for a full award of costs against Somerset Council.
 - The appeal was against the refusal of planning permission for the erection of a single storey dwelling with detached garage.
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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 also indicates that local planning authorities will be at risk of an award being made against them if they fail to produce evidence to substantiate each reason for refusal.
4. The application essentially relies on the fact that the Council went against the advice of its professional officers, including its landscape officer, and failed to provide adequate reasons for refusing planning permission.
5. However, the decision is one which is a matter of judgement. The Council Members in this case were entitled not to accept the professional advice of Officers so long as a case could be made for the contrary view.
6. From the evidence before me, the elected Members applied a planning judgement. The judgement was made following the receipt of the Council Officer's report and also took account of the representation received from the Blackdown Hill National Landscape Officer. Meanwhile the Council's decision notice establishes that the reason for refusal was due to finding there to be harm to the Blackdown Hills National Landscape, and also which development plan policies the proposal was deemed not to comply with.
7. It would have been helpful, had the reason for refusal on the decision notice been more specific in regard to precisely how the development was considered to cause harm, in light of going against the Officer's recommendations. However, I do not consider this to be unreasonable in itself. Additionally, I have no details of the

discussions that took place at the committee meeting and therefore whether the committee's precise concerns were elaborated during proceedings.

8. The fact that the Council did not commission its own landscape assessment, or entirely agree with the findings of the appellant's submitted landscape assessment, also do not amount to unreasonable behaviour. Indeed, as indicated in my appeal decision the appellant's landscape assessment did not conclusively rule out harm to the landscape or local views but instead found that it would not result in substantial harm.
9. It will also be seen from my decision that I concur with Council Members that the proposal would cause harm to the character and appearance of the area and would not conserve or enhance the landscape and scenic beauty of the National Landscape. As such, I consider that there were sufficient grounds for refusing planning application, while through the appeal the Council has suitably substantiated its reason for refusal.
10. Consequently, I find unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated and an award of costs is not warranted.

Lewis Condé

INSPECTOR