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## Costs Decision

Site visit made on 16 September 2025

by **R J Redford MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 September 2025

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### **Costs application in relation to Appeal Ref: APP/D0121/W/24/3356972 Land to the east (Builders Yard) of the Guide Hut, Weston Road, Long Ashton, BS41 9BJ**

- 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 S Weeks for a full award of costs against North Somerset Council.
  - The appeal was against the refusal of outline planning permission for up to 7 detached dwellings and garages with associated access and parking.
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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 applicant considers that the Council has behaved unreasonably by requiring excessive mitigation measures in relation to horseshoe bats (HSBs), and by not justifying the financial contributions for home to school transport (HtST).
4. It is recognised that the applicant considers the appeal site to be too far removed from the North Somerset and Mendip Bats Special Area of Conservation (SAC) for any impact on HSBs on the site to affect the integrity of the SAC. The appeal site is within the consultation zone of the SAC and Natural England has found the potential of linkage between them both, a position ultimately upheld by the Council's Ecologist. Although the proposed mitigation could be conditioned, the proposal would ultimately equate to a loss of habitat for HSBs and this has not been satisfactorily addressed, as identified in the Appeal. Notwithstanding this the Council has justified its position with reference to relevant local development plan policies which require not only the protection of the SAC but also the maintenance and enhancement of the biodiversity of North Somerset more generally. On this matter I do not find that the Council seeking mitigation for lost habitat as excessive.
5. In relation to financial contributions for HtST there is a local development plan policy basis for this, and I am satisfied that the Council has substantiated its position in relation to the designated catchment areas of each high school and how they related to HtST. It is appreciated that there are other schools that could be accessed without the need of HtST, however as identified in the Appeal, there is no mechanism to ensure these nearer schools are attended by future occupants. Therefore, without a suitable alternative the failure to secure a financial contribution

for HtST is a justified reason for refusal. Nevertheless, it is noted that this contribution may have altered due to the passage of time.

6. Consequently, I find the Council's position in relation to the grounds brought forward by the applicant as fairly substantiated and a matter of planning judgement as to whether they constituted reasons for refusal.
7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

*RJ Redford*

INSPECTOR