Planning Inspectorate

Costs Decision

Site visit made on 23 September 2025

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 October 2025

Costs application in relation to Appeal Ref: APP/E3335/W/25/3365103
Garage 8 – 10 Waggon and Horses Yard, Frome BA11 1JA

- 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 and Mrs M and A Sims for a full award of costs against Somerset Council.
- The appeal was against the refusal of the Council to grant planning permission for change of use and conversion of existing garage building to form two bed holiday let (tourism use).

Decision

1. The application is dismissed.

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. PPG states that examples of unreasonable behaviour include, preventing or delaying development which should clearly be permitted having regard to its accordance with the development plan, national policy and any other material considerations, failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.

4. The Council found that the proposal would result in harm to future users' amenity and in the officer's report and decision notice it indicated specific types of amenity harms. Moreover, this reasoning was supported with reference to relevant local policy that addresses this matter. The Council went on to rely on this reasoning when defending its decision in this appeal process. As the reason for refusing permission were substantiated and neither vague nor generalized, I find no unreasonable behaviour in this regard.

5. While the Council's reasoning may have been similar to the conclusions drawn by another Inspector in respect of a different proposal at the appeal site, it was clearly reasoned in the officer's report as to why similar issues raised in respect of the previous case remained relevant to this scheme, even though the proposed uses were somewhat different.

6. Attention is drawn to communications with the Council regarding technical assessments submitted by the applicant in support of this appeal. However, I find

no persuasive evidence that the Council sought these assessments, and it was the choice of the applicant to incur that expense. Indeed, this is a small scale development, and the evidence suggests that the Council has applied a proportionate approach to the information sought at the application stage and the bodies that it consulted during that process. No unreasonable behaviour has transpired in this respect.

7. It is suggested that if consulted the Environmental Protection Officer would not have objected to the proposal. Be this as it may, the issues identified in this case require some planning judgement to be applied and the consideration of a combination of factors. I agreed with the Council’s assessment of these factors. Even taken account of the technical assessment submitted in support of this appeal, I am unpersuaded, given the specific circumstances in this case, that the proposal would provide satisfactory accommodation for future users. Consequently, the Council did not prevent or delay development that clearly should have been permitted.

8. A revised planning application related to the appeal site has been submitted to the Council, the determination of which has been delayed. However, that is a matter between the Council and the applicant. In any event, it was the choice of the applicant to submit that revised proposal and incur the expense associated with that submission prior to the outcome of this appeal. I find no compelling evidence that the Council has acted unreasonably in this respect such that it has caused unnecessary wasted expense in this process.

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

A J Sutton

INSPECTOR