
Costs Decision

Site visit made on 23 September 2025

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 November 2025

Costs Application A - in relation to Appeal Ref: APP/D0121/W/25/3366314

Land to Southeast of Wood Lane, Clapton in Gordano

Grid Ref Easting: 347357, Grid Ref Northing: 173889

- 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 North Somerset Council for a full award of costs against Mr D Withers.
 - The appeal was against the refusal to grant permission in principle for erection up to 5 to 6no. dwellinghouses.
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Costs Application B - in relation to Appeal Ref: APP/D0121/W/25/3366314

Land to Southeast of Wood Lane, Clapton in Gordano

Grid Ref Easting: 347357, Grid Ref Northing: 173889

- 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 D Withers for a full award of costs against North Somerset Council.
 - The appeal was against the refusal to grant permission in principle for erection up to 5 to 6no. dwellinghouses.
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Decision - Costs Application A

1. The application for an award of costs is refused.

Decision - Costs Application B

2. The application for an award of costs is refused.

Reasons - Costs Application A

3. 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. The Council contends that a recent dismissed appeal decision made clear the areas that the scheme was deficient, and the current appeal has failed to address the previous reasons for refusal or provide adequate supporting evidence. Consequently, the Council claim that submitting an appeal that has no reasonable prospect of success represents unreasonable behaviour.
4. The site has been subject to a number of applications and appeals over many decades. The most recent of these applications¹ was in relation to a proposal for permission in principle, which was dismissed at appeal² on 26 September 2024

¹ Application Ref: 23/P/1925/PIP

² Appeal Ref: APP/D0121/W/23/3334852

(the 2024 appeal). The proposal determined under the 2024 appeal and the appeal scheme before me are similar, and there has been no change to the adopted development plan across both appeals. However, the 2024 version of the National Planning Policy Framework (the Framework) has been published since the determination of the 2024 appeal and it contains a clear material change in terms of national Green Belt policy, with particular regard to paragraph 155 and the grey belt. Moreover, the current appeal scheme included information on walking and cycle routes, as well as school bus services, in the locality, which was not before the Inspector of the 2024 appeal.

5. Although I have not found in favour of Mr Withers in my decision, it is not unreasonable for him to consider that changes to the Framework would materially change the circumstances surrounding the appeal, including the weight afforded to certain matters. Therefore, Mr Withers did exercise his right of appeal in a reasonable manner and though the current appeal scheme did follow a recent appeal decision where an Inspector decided that the proposal was unacceptable, circumstances have materially changed in the intervening period.
6. The Inspector of the 2024 appeal did not make a conclusion on the potential implication of the proposal on the North Somerset and Mendip Bats Special Area of Conservation (Bats SAC). Therefore, it was also reasonable that the appellant applied their own understanding of guidance and legislation relating to Habitats Development and the Bats SAC in relation to the current scheme.

Conclusion - Costs Application A

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

Reasons - Costs Application B

8. Parties in planning appeals normally meet their own expenses. However, the 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. The applicant claims that: the Council has incorrectly stated that the site is a habitats site and the proposal is Habitats Development; failed to provide adequate evidence to support their reasons for refusal; relied on vague and incorrect assertions; failed to acknowledge the 2024 version of the Framework and other material considerations; and been inconsistent with decisions in respect of other, similar sites and applications.
9. As evident in the officer report and its submissions, the Council has had regard to the site's location within Consultation Zone B of the Bats SAC. The Council made reasoned conclusions based on a clear analysis of the proposal's impact on the condition of the site and the subsequent potential impacts on bats. As set out in my main decision, I agree with the Council that the proposal would constitute Habitats Development.
10. Moreover, the Council's various submissions refer to and have regard to the latest version of the Framework, including paragraph 155 and the grey belt, as well as the additional information submitted on walking and cycle routes within the vicinity of the site. The Council exercised a planning judgement and articulated its conclusions having regard to the adopted development plan and other material

considerations, including the Framework and its current supply of deliverable housing sites.

11. No specific decisions are detailed within the application for costs. The Council has referenced an appeal³ in its response that was a proposal for permission in principle for the erection of 3 dwellings. The appeal was dismissed and the Inspector concluded that the proposal would constitute Habitats Development which is excluded from a grant of permission in principle.

Conclusion - Costs Application B

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

P Barton

INSPECTOR

³ Appeal Ref: APP/D0121/W/23/3331987