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## Costs Decision

Site visit made on 14 October 2025

by **J J Evans BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 November 2025

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### **Costs application in relation to Appeal Ref: APP/E3335/W/25/3369032 Land at Pear Tree Farm, Cullen Farm Road, Glastonbury, Somerset BA6 8FT**

- 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 T & A Land Associates Ltd for a full award of costs against Somerset Council.
  - The appeal was against the refusal of outline planning permission with some matters reserved for up to 24 dwellinghouses with details of access.
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### **Decision**

1. The application for a full award of costs is refused.

### **Reasons**

2. Parties in planning appeals normally meet their own expenses. The Planning Practice Guidance (the 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 Guidance advises that awards may be procedural relating to the appeal process, or substantive relating to the planning merits of the appeal. All parties are expected to behave reasonably throughout the planning process, and costs can only be awarded in relation to unnecessary or wasted expense at the appeal. The Guidance makes it clear that costs cannot be claimed for the period during the determination of the original application, although behaviour of the parties at this time can be taken into account.
4. The application for an award of costs has been made in writing by the appellants and will not be repeated here in any detail. The Council has not responded to the application.
5. The appellants consider the Council failed to substantiate the refusal. The Council's appeal evidence was limited to a commentary on the Planning Committee's assessment of the heritage impact, making vague and generalised assertions. No evidence or objective analysis to justify the Committee's departure from expert advice was provided, and there was a fundamental failure to acknowledge that the scheme was an extension of an existing residential estate. The development would neither encroach upon the Glastonbury Tor Special Landscape Feature (SLF), nor upon the settings of the Glastonbury Tor Scheduled Ancient Monument and that of the listed St Michaels Church Tower. The Planning Committee acted unreasonably by refusing the application and thereby delayed development which should have been clearly permitted.

6. The Council is not bound to accept the recommendations of its officers or that of expert opinion, but if such technical and professional advice is not followed then reasonable grounds for taking a contrary decision needs to be provided supported by relevant evidence. The Council has provided a statement for the appeal, which explains the concern regarding the cumulative change to the character of the area bringing residential development closer to the SLF and to the Tor and Tower, thereby adversely affecting the significance of these designated heritage assets through development within their settings.
7. The Council has substantiated the reason for refusal at the appeal, and although brief, it was not vague or generalised. An explanation of the harm was provided, including the weight attributed to the significance of the Tor and Tower and their national importance as a landmark and icon of cultural and spiritual significance. The request for a second set of opinions would have been frustrating for all concerned, particularly as despite a consistency in the opinions received, the Council took a different view and gave a different weight to the harms.
8. Housing would be brought closer to the Tor and Tower, and to the SLF, and there would be a change of appearance to the area as a result of the development. Great weight was attributed to such a change within the setting of the Tor and Tower, which accords with the National Planning Policy Framework's requirement of great weight being given to the conservation of an asset, particularly so in this instance as the Tower is Grade I listed. The Council considered this weight outweighed the public benefits of the proposal.
9. The Council is obliged by the Guidance to make reasons for refusal clear, and this has happened in this case, with the reason being clear and precise. The application was considered by the Council on three separate occasions, and such delays would have been irritating for the appellants, albeit the decision to appeal and when, would have been one for the appellants to make.
10. The consideration of applications involves matters of judgement that are at times finely balanced based on complex evidence, and for this appeal the Council gave a different weight to the harm than the appellants. This is not unreasonable behaviour, but a decision based on the particular nuances of the case.
11. For these reasons, unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated. Accordingly, the application for an award of costs is refused.

*J J Evans*

INSPECTOR