



Costs Decision

Site visit made on 5 November 2025

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2025

Costs application in relation to Appeal Ref: APP/D0121/W/25/3367341

- Manor Farm, Valley Road, Portishead BS20 8JZ
 - 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 A Mitchell for a full award of costs against North Somerset Council.
 - The appeal was against the refusal of permission in principle for the demolition of existing agricultural building and redevelopment of site to provide a minimum of four dwellings and a maximum of eight dwellings.
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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 the Council to have behaved unreasonably by concluding the proposal would be habitat development and so not appropriate for the Planning in Principle process. Specifically that the Council did not take account of their own ecologists advice or the Preliminary Ecological Appraisal survey (PEA) the applicant submitted in relation to it whether the impact of the proposal on the appeal site would be to such an extent as to be considered to have a significant adverse effect on the North Somerset and Mendip Bats Special Area of Conservation.
4. Although the reason for refusal on the decision notice is succinct the Council's reasoning for this is clearly set out within the associated officer report. The report also refers to the PEA and includes sections directly from the Council's ecologist's comments. The weight given to these matters is for the decision maker to attribute and so I am satisfied that the Council's decision was based on its thorough assessment of the information provided by both the applicant and its own ecologist.
5. The applicant considers the delay by the Council in providing the Council's Ecologist comments, dated 13/05/2025, at costs stage as further unreasonable behaviour. However, a copy of these were submitted with the Council's questionnaire and again with its appeal statement prior to the costs stage, with the appellant referring to them in their final comments. The officer report also closely aligns with those comments. So, although unfortunate the applicant did not have sight of them prior to the submission of their appeal, they had opportunity to

respond and there is nothing before me to show that their late inclusion significantly altered the appellant's case so attracting unnecessary or wasted expense.

6. Consequently, taking into consideration the evidence before me, and for the reasons given above I find that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

RJ Redford

INSPECTOR