
Costs Decision

Site visit made on 16 October 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 December 2025

Costs application in relation to Appeal A Ref: APP/E3335/W/25/3363366

Higher Kedget Farm, Churchstanton, Taunton, TA3 7RQ

- 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 Keith Sparks for an award of costs against Somerset Council.
 - The appeal was against the refusal of planning permission for the erection of a poultry shed (broiler house).
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Costs application in relation to Appeal B Ref: APP/E3335/W/25/3363369

Higher Kedget Farm, Churchstanton, Taunton, TA3 7RQ

- 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 Keith Sparks for an award of costs against Somerset Council.
 - The appeal was against the refusal of planning permission for the erection of a poultry shed (broiler house).
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Decision

1. For both Appeal A and Appeal B, 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 (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. In this instance, the applicant considers that the Council has not worked proactively with them, and that in relation to both proposals, a HRA should have been carried out, taking account of proposed mitigation.
4. However, as part of the appeals, I have found sufficient potential harm to a SSSI to justify their dismissal. I acknowledge that the lack of engagement by the Council may have been unhelpful. However, given the deficiencies with the appellant's evidence, including a lack of information on mitigation, the Council was justified in refusing the two applications.
5. Despite allowing the submission of additional evidence as part of these appeal processes, these deficiencies have not been adequately addressed. Indeed, Natural England has maintained their objections to both schemes. As noted within my appeal decision, had I not found harm in relation to the Southey and Gotleigh Moors SSSI, I would have considered further the potential effect of the schemes on other protected sites. This may have included the need to undertake an appropriate assessment in relation to the Quants Special Area of Conservation.

6. However, on the basis of the evidence before me, it seems that both appeals were inevitable. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

C Butcher

INSPECTOR