



Costs Decision

Site visit made on 6 January 2026

by **Lewis Condé BSc, MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 February 2026

Costs application in relation to Appeal Ref: APP/E3335/W/25/3374582

57 Summerland Avenue, Minehead, Somerset, TA24 5BN

- 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 Sarah Harrison, SAH Property Ltd, for a full award of costs against Somerset Council.
 - The appeal was against the refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission for the 'conversion of 3 No. flats plus 1 No. bedsit into 5 No. flats, replacement of single glazed windows to the side and rear with double glazed units, replacement of roof and insertion of additional dormers, Velux windows and sun tunnel, minor window and door arrangement alterations to rear elevation and single side window and internal alterations to improve access and layout' was granted.
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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 (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. The appellant's case is essentially that the various conduct of the Council collectively constitutes procedural unreasonableness, and that an appeal could have been avoided had the Council appropriately considered the proposal.
4. There is a lack of evidence before me as to the nature of the communications sent between the main parties. For example, whether the local planning authority (LPA) ever categorically set out its position, or if all the applicant's communications merited a response given previous correspondence. As such, whilst the applicant sets out that the Council repeatedly failed to communicate and provided only minimal responses, this has not been demonstrated to amount to unreasonable behaviour.
5. The significant delay in the Council issuing its decision is understandably frustrating for the applicant. Unfortunately though, a failure to meet the statutory deadlines for determination (or against agreed timelines) is not an uncommon occurrence amongst LPAs across the country, due to a range of potential factors. It does not therefore necessarily amount to unreasonable behaviour. Similarly, although a site visit would have likely allowed the planning officer to have a greater appreciation of the site's context it would not have necessarily led to an alternative decision being

made. Indeed, I undertook a site visit and ultimately reached the same conclusion as the Council.

6. The planning officer's report notes the previous planning permission that the Section 73 application relates to. It also sets out that the application seeks consent solely for the addition of a front roof dormer to provide ancillary accommodation within the roof space. It then goes on to set out why the proposed front dormer was considered inappropriate, with reference to the surrounding context and relevant adopted planning policies. These matters are also reflected in the Council's reason for refusal on its decision notice.
7. The decision notice and officer's report refer to the works that have previously been granted permission as adding further visual clutter to the roof that would further erode the traditional form and appearance of the dwelling and the contribution it makes to the character and appearance of the area. As such, my reading of the Council's evidence, is that although it recognises that there is permission already in place for these wider works, when read in conjunction with the proposed dormer, they would add to the harm of the current proposal.
8. It is unclear whether the Council considered the applicant's evidence in respect of the lawfulness of a dormer on a neighbouring property. Nevertheless, the officer's report does not claim that the neighbouring dormer is not lawful, only that it did not receive planning permission. Furthermore, consideration of the neighbouring dormer is also provided within the officer's report with the feature being identified as intrusive within the setting.
9. Design matters are subjective in nature, but I find the Council has sufficiently articulated why it considered the proposed dormer to be harmful having regard to the surrounding context and relevant development plan policies.
10. Even though the Council's handling of the application may have been less than satisfactory, I find it has provided sufficient grounds to suitably justify its refusal of the proposal. Consequently, an appeal would likely have remained necessary in any case. Meanwhile, as will be seen from my decision, I concur with the Council in respect of the harm that the proposed dormer would have on the character and appearance of the host property and surrounding area.
11. I therefore do not find that unreasonable behaviour resulting in the applicant incurring unnecessary or wasted expense in the appeal process has taken place. Accordingly, an award of costs is not warranted.

Lewis Condé

INSPECTOR