
Costs Decision

Site visit made on 6 January 2026

by **V Simpson BSc (Hons) 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/25/3375460 Wall and carpark adjoining Court House and precinct adjoining Ladbroke's, Frome BA11 1BT

- 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 Pang Investments Limited for a full award of costs against Somerset Council.
 - The appeal was against the refusal of the Council to grant planning permission for the partial demolition and reduction in height of car park walling adj the Courthouse and public realm works adj Ladbroke's premises Kingsway Precinct.
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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. In determining the planning application, the Council found that the proposed development would cause harm to the settings of 2 listed buildings, and that it would fail to preserve or enhance the character and appearance of the Frome Conservation Area.
4. Paragraph 213 of the National Planning Policy Framework indicates that the significance of Listed Buildings can be harmed by alterations or destruction, or from development within their settings. Whether or not, under section 1 (5) (b) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the sections of wall that are close to The Iron Gates and The Court House should be treated as part of these listed buildings, the Council found that the parts of the scheme related to these walls would not preserve the settings of these listed buildings, or the character and appearance of the Frome Conservation Area (the CA).
5. I reached different conclusions from the Council in respect of the effect that these elements of the scheme would have on the settings and therefore the significance of the listed buildings and on the CA. However, having applied reasonable planning judgement, the Council was not unreasonable in reaching the view it came to.
6. Moreover, and having found that less than substantial harm would be caused to the listed buildings and the CA, the Council were correct to balance this harm against the public benefits of the scheme.

7. In support of the application, several purported public benefits were put forward. While these were not individually referred to within the Council's delegated report or the decision notice, I have no reason to doubt that they were not all considered as part of the Council's public benefits balance.
8. I understand that the outcome of the application will have been a disappointment to the applicant. I also appreciate that the Council's failure to provide an appeal statement will have caused frustration. Nevertheless, together the Council's case officer report and the reasons on the decision notice provide adequate justification for why the application was refused. As such, and for the reasons previously given, the Council did not behave unreasonably in coming to its decision.
9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

V Simpson

INSPECTOR