
Costs Decision

Site visit made on 19 January 2026

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 February 2026

Costs application in relation to Appeal Ref: APP/E3335/W/25/3373197

Holly Tree Farm, Longstrings Lane, Crewkerne, Somerset TA18 7EA

- 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 Brett Adam Jacobs for a full award of costs against Somerset Council.
 - The appeal was against the grant subject to conditions of planning permission for outline application with some matters reserved for the erection of 2 No. dwellings with access and landscaping.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

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 applicant alleges that the Council has acted unreasonably by imposing wrong conditions and refusing to review conditions during a subsequent reserved matters application.
4. The PPG specifically identifies unreasonable behaviour, under the heading “What type of behaviour may give rise to a substantive award against a local planning authority?” the action of imposing a condition that is not necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects, and thus does not comply with the guidance in the National Planning Policy Framework on planning conditions.
5. It will be seen from my main decision that I have agreed with the Council that conditions 1, 10, 13 and 14 in dispute are reasonable, relevant to the development permitted and necessary. It therefore follows that the imposition of these conditions do not result in unreasonable behaviour.
6. Moreover, although I have disagreed with the Council in respect of the necessity for the imposition of condition 16, the nature or effect of retaining the permitted development rights on the character and appearance of the area is a matter of planning judgement. As such, the imposition of this condition also does not in itself result in unreasonable behaviour.
7. However, the Council have by their own admission stated that they had imposed condition 17 in error. It is nevertheless put to me that the applicant could have submitted a further application to the Council under S73 of the Town & Country

Planning Act 1990 (as amended) to seek removal of this condition. Nonetheless, the imposition of this condition was unreasonable and even given a differing mechanism to seek its removal, this would have resulted in unnecessary or wasted cost in the submission of such an application.

8. Moreover, in my main decision I have also found that condition 5 was not necessary or reasonable to make the development acceptable in planning terms, having regard to highway safety. While the Council may have had valid planning reasons for seeking to ensure visibility at the highway junction, the PPG makes it clear that it is not sufficient that a condition is related to planning objectives, it must also be justified by the nature or impact of the development permitted.
9. In this particular case, junction improvements have already been carried out as part of an unrelated development. As such, given that the junction has the required visibility to prevent harm to users of the highway, which is now adopted by the Highway Authority, condition 5 is clearly not reasonable or necessary to make the development acceptable in planning terms.
10. Finally, with regards the Council refusing to review conditions during a subsequent reserved matters application, the Council would not have the ability to vary conditions imposed on an outline permission as part of its consideration of reserved matters. This would be a matter for a S73 application. Consequently, even if the Council, in the applicant's view, offered no room for negotiation in relation to previously imposed conditions at reserved matters, given the legislative context this does not in itself result in unreasonable behaviour.
11. To conclude, I have found that the Council acted unreasonably in imposing conditions 5 and 17, and this unreasonable behaviour put the applicant to the unnecessary cost of appealing against the imposition of those conditions.
12. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred in respect of conditions 5 & 17 only, and a partial award of costs is therefore warranted.

Costs Order

13. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Somerset Council shall pay to Brett Adam Jacobs the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in respect of appealing against conditions 5 & 17 only; such costs to be assessed in the Senior Courts Costs Office if not agreed.

The applicant is now invited to submit to Somerset Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

S Harrington

INSPECTOR