



Costs Decision

Site visit made on 14 January 2026

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2026

Costs application in relation to Appeal Ref: APP/D0121/W/25/3370846 76 Whitesfield Road, Nailsea, North Somerset BS48 4JF

- 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 and Mrs C Perry for a partial award of costs against North Somerset Council.
 - The appeal was against the refusal of planning permission for a new dwelling and garage.
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Decision

1. The application for a partial 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. Such unreasonable behaviours can be procedural or substantive.
3. On procedural grounds, the applicant's claim is that the Council acted unreasonably by refusing the application prematurely, despite ongoing dialogue and the preparation of design responses. Whilst the evidence before me demonstrates that dialogue between the main parties was ongoing, extensions of time to the determination period of the planning application were agreed between the main parties, with the last date being 10 March 2025. This is the date the decision letter was issued. This, in and of itself, does not constitute unreasonable behaviour as there was sufficient time for the applicant to submit revised plans reflecting the discussions prior to the agreed deadline. Indeed, in an email¹ agreeing the deadline, the applicant agreed to submit amended plans by the end of January 2025. The Council assert such plans were not submitted in this timescale and I have no reason to dispute this. Whether or not the planning officer was due to leave the Council imminently is immaterial.
4. Nonetheless, during the appeal process it was established that the Council had not publicised the planning application in accordance with their legal obligation under Regulation 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended). Although this constitutes unreasonable behaviour on a procedural basis, it does not mean that the appeal could have been avoided, particularly given my conclusions relating to the living conditions of neighbouring occupiers of 7 Ploughed Paddock (No.7). Furthermore, as no representations were received from statutory or interested parties, including Historic England in response

¹ Email from Dan Clarke-Hall of Gibson Architecture to Jason Mak at the Council, dated 15 January 2025

- to the Regulation 5 publicity undertaken during the appeal, the applicant has not been required to provide further comments which would otherwise have led to additional expense.
5. On substantive grounds, the applicant has indicated that the Council has behaved unreasonably by refusing the proposal for reasons subject to ongoing discussions between the main parties, claiming that such issues could have been resolved by extremely modest changes to the proposal. The planning application was, however, refused before these could be completed. I appreciate that this will have been frustrating to the applicant but, as highlighted above, there was sufficient time for amendments to be submitted to the Council prior to the last agreed determination period extension.
 6. Given the height of the proposed garage and its relationship to the rear elevation of No.7, I have concurred with the Council that this would have a detrimental effect on the outlook of those residing in this property. As set out in my decision, this effect would be significant. Despite the Council's housing land supply position, this adverse impact would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. Consequently, the appeal could not have been avoided in this regard, based on the plans before the Council at the time the planning application was determined.
 7. The height of the proposed dwelling was a matter being discussed between the main parties in response to the Council's concerns regarding the effect of the proposal on the character and appearance of the area, including the setting of nearby heritage assets. Although I have come to a different conclusion to the Council on this matter, such considerations are largely subjective and, given the highest status of the nearby Grade I listed Church of Holy Trinity, should be considered carefully. Within the Council's Delegated Report, some justification which led to this particular reason for refusal is set out, albeit it is primarily focused on the proposal's harm to the character and appearance of the area. Minimal detail is provided explaining how the proposal would fail to preserve the setting of the listed buildings. This level of detail is close to, but not beyond, the bar for what I consider constitutes unreasonable behaviour in substantive terms.
 8. In terms of the reason for refusal relating to the visibility of pedestrians at the access to the proposed dwelling, I have found that this could be resolved through the imposition of a suitably worded condition requiring appropriate pedestrian visibility splays be kept free from obstructions above a specific height. Similarly, I have found that the Council's concerns over the loss of privacy to the neighbouring occupiers of 78 Whitesfield Road could have been overcome by conditioning the type of glazing within the proposed dwellings windows in the side elevation at first floor level. Despite this, the Council's considerations in respect to the living conditions of neighbouring occupiers at No.7 would have been sufficient to refuse the planning application. The appeal, therefore, could not have been avoided in this regard.
 9. For the reasons set out above, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and a partial award of costs is not warranted.

Juliet Rogers

INSPECTOR