
Costs Decision

Site visit made on 16 October 2025

by **A Oyebade MSc FCILT**

an Inspector appointed by the Secretary of State

Decision date: 16th April 2026

Costs application in relation to Appeal Ref: APP/F0114/W/25/3367819 New Farm, Marksbury Lane, Priston, Bath, Bath and North East Somerset BA2 9HJ

- 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 Richard Bendall for a full award of costs against Bath and North East Somerset Council.
 - The appeal was against the refusal to grant, subject to conditions, planning permission for the installation of lighting in association with canine training.
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Decision

1. The application for an award of costs is refused

Reasons

2. The appellant argues that the Council's conduct has been unreasonable and has resulted in unnecessary or wasted expense during the appeal process. It is claimed that comparable recreational facilities within the Green Belt have not been assessed consistently, and that the Council has overstated the adverse effects associated with the proposed screening. The appellant further contends that the Council's continued assertion that the lighting-pole condition attached to the earlier permission could not be discharged has enabled the introduction of new arguments at appeal.
3. Ordinarily, parties to planning appeals are expected to bear their own costs. However, the Planning Practice Guidance (PPG) makes clear that an award of costs may be justified where a party has acted unreasonably and, as a result, caused the party seeking costs to incur unnecessary or wasted expense in the appeal process.
4. In this case, I do not find that the Council has acted unreasonably. The refused application to discharge a condition attached to the earlier permission (Ref. 22/01158/FUL) is a separate matter from the proposal now before me. Rather than appealing that refusal, the appellant chose to submit a new full planning application for the lighting structures. While an application to discharge a condition is necessarily limited in scope, a full application requires a broader assessment against the relevant development plan policies and material considerations. I am satisfied that the Council's assessment fell within the proper scope of the appeal proposal and that the policies applied were relevant and appropriate.
5. As acknowledged in the appellant's own submissions, the Council has set out clear reasons for its decisions, both in relation to the refusal of the earlier full application, subsequently dismissed on appeal, and the later refusal to discharge Condition 7.

6. The appellant refers to three sports facilities within the Green Belt, associated with Kingswood School, Old Sulians RFC and Walcot RFC, and contends that these were not properly considered by the Council. While these sites are located within the Green Belt, they differ materially from the appeal proposal in terms of their context, being situated within or adjacent to low-density built-up areas with convenient access to services, bus routes, and the city centre via Lansdown Road. Furthermore, no substantive evidence has been provided regarding the circumstances under which those facilities were approved, and I cannot therefore draw meaningful parallels.
7. For these reasons, the appellant has not demonstrated that the Council's actions resulted in undue delay or that any other grounds for a costs award have been met. I therefore conclude that the Council has not acted unreasonably in this case. As no unreasonable behaviour has been identified, the question of whether the appellant incurred wasted expenditure does not arise.

Conclusion

8. For the reasons set out above, I conclude that unreasonable behaviour has not been demonstrated. Accordingly, no award of costs is justified.

A Oyebade

INSPECTOR