



Costs Decision

Site visit made on 7 April 2026

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 April 2026

Costs application in relation to Appeal Ref: APP/E3335/W/25/3376321

Forest Farm, Curland Road, Curland, Somerset TA3 5SA

- 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 S Milsted for a full award of costs against Somerset Council.
 - The appeal was against the refusal of the Council to grant prior approval for proposed change of use from agricultural building to 1 No. dwelling house (Class C3) and associated building operations.
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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 PPG advises that Local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal. An example of this includes vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis. Other examples include refusing permission on a ground capable of being dealt with by condition, and not determining similar cases in a consistent manner.
4. The Council did not provide specific evidence regarding the scale, frequency or type of noisy use. Nonetheless, its evidence did specify the source of harm being the proximity of the potential agricultural uses, including use by machinery. The Council's concerns included the tenancy arrangement at the farm, despite the short period with which the tenancy could be terminated. Even so, I have identified concerns in respect of the relationship between the proposal and the remaining parts of the site, regardless of the tenancy.
5. The applicant has provided evidence of appeals and applications elsewhere where the proximity of proposed dwellings and existing agricultural buildings was raised as an issue. In some cases, planning controls were not considered necessary. In others, conditions were found to be sufficient as opposed to requiring further controls. These include examples within the Council's jurisdiction. That said, for the reasons given in my main Decision Letter, I am not convinced that a condition would overcome the harm identified. Nor is it clear that the circumstances of those cases are so similar that the Council can be said to have been inconsistent in its approach.

6. In this case, the Council reached a decision before the target date of the application and so there could have been further discussion with the applicant. Nevertheless, the parties continue to dispute the need for the Unilateral Undertaking. As such, it is not clear that further discussion would have avoided the need for the appeal.
7. Consequently, the Council has provided sufficient evidence to substantiate its case. It has not produced vague, generalised or inaccurate evidence. Nor has the Council acted inconsistently, or refused permission on a ground capable of being dealt with by condition. Accordingly, its actions did not amount to unreasonable behaviour.

Conclusion

8. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted. Therefore, the application for an award of costs is refused.

O Marigold

INSPECTOR