
Costs Decision

Site visit made on 3 March 2026

by **V Simpson BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 May 2026

Costs application in relation to Appeal Ref: APP/E3335/W/25/3376101

Land Os 4025, Frost Lane, Ilton, Ilminster, Somerset TA19 9EU

- 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 Andy Reed for a full award of costs against Somerset Council.
 - The appeal was against the refusal of Somerset Council to approve the access, appearance, landscaping, layout and scale reserved matters pursuant to planning permission ref 23/02332/OUT dated 16 December 2024.
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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, 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 process¹.
3. While I reached a different conclusion from the Council regarding the effect of the reserved matters scheme on the significance of 2 Listed Buildings, the Council provided adequate justification for the type and extent of harm it identified to these Listed Buildings. Moreover, and even if the identified harm/s were not then weighed against the public benefits of the proposal - as required by paragraph 215 of the National Planning Policy Framework, from the evidence before me, the public benefits were not put to the Council to consider as part of the application. That being the case, the Council was not unreasonable to refuse the application based on its concerns related to Listed Buildings.
4. The PPG² indicates that refusing planning permission on a planning ground capable of being dealt with by conditions risks an award of costs, where it is concluded that suitable conditions would enable the proposed development to go ahead. Moreover, elsewhere within the PPG³ advises that, depending on the case, it may be possible for the local planning authority to impose a condition making a minor modification to the development permitted. However, even if the imposition of a condition would have been a reasonable approach to overcome the Council's concerns related to highway safety, it would not have overcome the Council's other objections to the scheme, and therefore, it would not have enabled the development to go ahead.

¹ Paragraph: 028 Reference ID: 16-028-20140306

² Paragraph: 049 Reference ID: 16-049-20140306

³ Paragraph: 012 Reference ID: 21a-012-20140306

5. The development plan policies cited on the Council's decision notice broadly conform with the parts of the National Planning Policy Framework that relate to highway safety, heritage assets and design considerations. Consequently, these policies, which were the most important for determining the application, have not been found to be out-of-date. Therefore, in determining the reserved matters application, the Council were correct to mainly consider whether the submitted details complied with the relevant development plan policy tests.
6. I understand that the outcome of the application will have been a disappointment to the applicant. Nevertheless, and although I reached a different conclusion from the Council in respect of the effect of the reserved matters details on the significance of 2 Listed Buildings, for the reasons previously given, the Council did not behave unreasonably in its determination of the application.
7. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

V Simpson

INSPECTOR