



Costs Decision

Inquiry held on 6 – 8 May 2026 and 11 May 2026 (online)

Site visit made on 6 May 2026

by H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st June 2026

Costs application in relation to Appeal Ref: APP/E3335/W/25/3375539

Greenacres Oxen Lane, North Curry, Taunton TA3 6NE

- 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 Somerset Council for a partial award of costs against Mr Peter Richards.
 - The appeal was against the refusal of planning permission for change of use from agricultural land into a Gypsy/Traveller site to form 16. No pitches with associated works including siting of static homes, touring caravans, roadway, treatment plant and formation of hardstanding, entrance gates, parking and landscaping at Greenacres, Oxen Lane, North Curry (including the retention of part works already undertaken).
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Decision

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

The submissions for Somerset Council

2. The Council signalled its intent to submit a costs application in its Statement of Case submitted on 23 February 2026 and reiterated this position at the Case Management Conference held on 12 March 2026.
3. The final costs application was submitted in writing at the beginning of the inquiry and was not altered prior to the close. The response by the appellant was made in writing prior to the close of the inquiry.

Reasons

4. 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.
Unreasonable behaviour in the context of an application for an award of costs may be either:
 - procedural – relating to the process; or
 - substantive – relating to the issues arising from the merits of the appeal.
5. Examples of unreasonable behaviour by an appellant of a procedural nature which may result in an award of costs include:
 - resistance to, or lack of co-operation with the other party or parties in providing information or discussing the appeal;
 - delays in providing information or other failure to adhere to deadlines; and/or

- not completing a timely statement of common ground or not agreeing factual matters common to witnesses of both principal parties.
6. Unreasonable behaviour by an appellant of a substantive nature which may result in an award of costs includes where material considerations are advanced to justify a conflict with policy, but there is inadequate or irrelevant supporting evidence or where there is lack of co-operation on any planning obligation.
7. The Council advances that the unreasonable behaviour on the part of the appellant of a procedural nature has directly wasted scarce public resources, and has included:
- sending excessive correspondence with the Council and Planning Inspectorate, frequently copying multiple parties;
 - ignored warnings from the Inspector regarding proportionality;
 - required repeated and time-consuming responses from the Council's officers and advisers;
 - attempted to use the Statement of Common Ground process to introduce new ground or expanded grounds of appeal beyond that originally pleaded; and
 - late attempts to amend the appeal case to a five-pitch Traveller site in relation to which the Council had little option but to respond.
8. The Council advances that the substantive unreasonable behaviour on the part of the appellant has largely included the submission of evidence which contains unmeritorious arguments and unfounded opinions and allegations unsupported by any evidence from suitably qualified expert witnesses. It is also alleged that the persistence with the contention that the Somerset Levels and Moors Ramsar site has not been properly designated has materially increased the scope and cost of the Council's case.
9. My view is that the Council's contentions about the unreasonable behaviour demonstrated by the appellant (or at least on his behalf) are an accurate reflection of the situation and that the unreasonableness has been both procedural and substantive in nature. I have found that:
- there has been excessive email correspondence, much of which has been of a conversational nature, that has repeatedly sought to change the scope of the appeal case or basis for the evidence;
 - voluminous evidence has been drip-fed through the process and presented in such a way that it has been difficult to navigate the appellant's case. A crude attempt to capture the volume of dossiers of documents submitted between the dates of the initial appeal submission and opening date of the inquiry has resulted in my finding at least 87 separate PDF documents, spanning over 3,700 pages and another separate 40 or more emails. This is grossly disproportionate to the scale, nature and complexity of the appeal scheme and its submission does not adhere to advice in the Procedural Guide¹ for evidence to be concise and submitted in accordance with a strict timetable, particularly in respect of planning inquiries;

¹ Procedural Guide: Planning appeals – England. For appeals relating to applications dated on or before 31 March 2026 – 2026

- the excessive, repetitive evidence also contains many other unmeritorious arguments and aspersions about organisations and individuals which have little relevance to the appeal case, i.e. nature organisation cartels; and
 - there have been late attempts to substantially increase the nature of the appeal scheme and scope of the evidence, such as through the Statement of Common Ground process, a final version of which was never ultimately agreed. Similarly, emails submitted merely two days before the proof of evidence deadline sought to change the scheme to either 5 or 12 Traveller pitches which took time to consider and to resist through written correspondence; and
 - my requests, both in writing and in-person at the CMC, for correspondence and, in particular, points about the Ramsar site, to be maintained to that strictly necessary to deal with the appeal and in accordance with the timetables have been wilfully ignored.
10. In addition to the above, the appellant was asked to respond to the Council's application for costs prior to the close of the inquiry. The response provided includes a main response of 11 pages in total but also a further 3 extra documents spanning over 77 pages which rehearse certain points of the appellant's substantive case. The costs process is not intended to be used as a means to further advance the appellant's case.
11. As such, whilst the sitting days of the inquiry itself moved efficiently and without specific issue, the appellant's case, in many respects both substantively and in how it was processed, have resulted in wasted expense on the part of the Council through:
- the officer time spent dealing with excessive correspondence;
 - the professional time reviewing and responding to voluminous evidence, particularly that containing the unmeritorious arguments and points of tangential relevance to the case; and
 - costs associated with the late attempts to materially amend the case.
12. Though I am far from certain that the appellant was personally aware of the amount, content or procedural handling of the appeal case on his behalf, I cannot find other than that a partial award of costs is warranted in this case.

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 Mr Peter Richards shall pay to Somerset Council the costs of the appeal proceedings limited to those costs as described in paragraph 12 above; such costs to be assessed in the Senior Courts Costs Office if not agreed.
14. The applicant is now invited to submit to Mr Peter Richards, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

H Nicholls

INSPECTOR