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## Costs Decision

Site visit made on 21 January 2026

by **F Webber BSc (Hons), MSc, MRTPI, ACSM**

an Inspector appointed by the Secretary of State

Decision date: 03 June 2026

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### **Costs application in relation to Appeal Ref: APP/E3335/W/25/3376775**

#### **Land at Sweethay, Trull, Taunton, Somerset TA3 7PB**

- 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 Cosy Barn Holidays Ltd for a full award of costs against Somerset Council.
  - The application Ref is 42/23/0042.
  - The appeal was against the refusal planning permission for a change of use of land for the siting of 10 No. tents for holiday occupancy along with moveable WC/Shower facilities, formation of reinforced grass parking area and landscaping on land at Sweethay, Trull.
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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 (“the 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 appellant is applying for a full award of costs. The appellant considers that the Council acted unreasonably by failing to continue to engage in discussions with the appellant to find solutions to enable the grant of planning permission. The appellant acknowledges and understands the reasons that during this period of discussion the Council had undertook to introduce a “firebreak” to address the Councils substantial backlog of applications.
4. During the “firebreak” period when communication with the Council was severely restricted, Natural England (“NE”) provided their response to the Nutrient Neutrality Assessment and Mitigation Strategy (“the NNAMS”). The appellant indicates that NE had delayed their response due to administrative issues. However, the appellant acted promptly with revisions being made to the NNAMS to provide the Council on 19 September 2025 with a version of the NNAMS reflecting the negotiations with NE. The appellant indicates that in this respect the Nutrient Neutrality Officer (“NNO”) replied on the same day but advised that they now required the following amendments to the NNAMS: evidence of a Reservation Notice; information from the Package Treatment Plant manufacturer; and an agreement to planning conditions.
5. In response, the Council disagree that they have acted unreasonably stating that the application was originally submitted 2 October 2023 and the decision to refuse the application was taken on 22 September 2025. The Council stated that it

would wish to resolve matters, where possible, during the planning process and contends that this must be subject to some reasonable limitation and it is not appropriate or possible to continue to negotiate planning applications ‘ad infinitum’. In addition the Council note that the appellant did not seek pre-application advice from NE, nor use the pre-application service offered by the Council.

6. From the evidence before me, the effect of the proposal on the integrity of the Ramsar site is not a matter that can be overlooked. Consequently, as the Competent Authority (“the CA”), at the time of determination, the Council was unable to conclude beyond all reasonable scientific doubt that the proposal would not have an adverse effect on the integrity of the Ramsar site.
7. The Council’s case is clear, supported by sufficient evidence and included consideration of the appellant’s argument. It is acknowledged that the appellant engaged with the Council in pre-application regarding the earlier not determined application that was dismissed at appeal<sup>1</sup>, however that advice was in June 2021. I note that in that appeal, reference was made to a change in local government in Somerset, with the original application being made to the former Somerset West and Taunton Council.
8. During the period between the earlier application and the current application being submitted, the local governments have been merged to form a single Somerset Council. For avoidance of doubt as to the extent of information required to support this application, the appellant could have sought pre-application advice again. However, the appellant has indicated in their rebuttal that they did not see the value in repeating the pre-application process as the planning issues had been clearly defined following the determination of the earlier appeal.
9. Notwithstanding that there had been an opportunity to engage in pre-application, it is noted that following receipt of the application, there had been repeated extensions of time agreed. A significant amount of time had been allowed prior to the “firebreak” period to facilitate amendments to the application. Notwithstanding, the “firebreak” period, the appellant acknowledges that further engagement with the Nutrient Neutrality Officer had resulted in an immediate response.
10. Consequently, I do not find that the Council acted unreasonably in proceeding to determination. The Council was clear that the version of the NNAMS before them was still in need of modification and that there was no certainty, that the required amendments would be applied. Indeed, I note that the final version of the NNAMS now before me is dated December 2025, some three months after the Council issued the decision.
11. This appeal has provided an opportunity for the appellant to test the Councils position and to explain their case. In my view the Council provided reasons for its concerns, which justified its position. It was not unreasonable for the Council to reach a view as to whether the NNAMS before them was sufficiently robust to allow them as the CA to find otherwise than to refuse the application. As a result, the Council did not unreasonably exercise the requirements of the Conservation of

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<sup>1</sup> Ref APP/W3330/W/22/3307369

Habitats and Species Regulations 2017 (as amended) in determining the application.

12. For the above reasons, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated. Therefore, the application for an award of costs is refused.

*F Webber*

INSPECTOR