



Costs Decision

Hearing held on 24 and 25 August 2026

Site visit made on 25 August 2026

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2026

Costs application in relation to Appeal Ref: APP/E3335/W/26/3377482

Land at Halves Lane, North Coker, Yeovil, Somerset BA22 9JJ

- 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 Strongvale Development Ltd for a full award of costs against Somerset Council.
 - The appeal was against the refusal of outline planning permission for the erection of 14no. flexible light industrial commercial units Use Class E(g)(iii) with details of landscaping, parking and access.
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Decision

1. The application for an award of costs is refused.

The submissions

2. The cost application along with the Council's response and applicant's final comments were all made in writing and no oral updates provided during the Hearing.

Reasons

3. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance 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.
4. The applicant considers that the Council has behaved unreasonably both procedurally and substantively which has prevented development that should clearly be permitted, having regard to the relevant policies, and has led to the need for an appeal.
5. In the first instance the applicant states that the Council took nearly a year to come to its decision, drip feeding responses and requests for information through out that processes, and when information was submitted failed to take it into account. Further the Council did not provide the applicant opportunity to respond to the reasons for refusal or officer report before the final decision was issued. On refusal of the application the applicant then claims that the Council failed to enter into meaningful communication in how to progress the scheme.
6. Notably the applicant states that had the Council been more co-operative in their post decision communications, it is possible an appeal could have been avoided all together and thereby the costs associated with it are an unnecessary expense.

7. It is unfortunate that the process took such a long time, but it is evident from the level of requests for information and consideration of that information by the Council lead to potential reasons for refusal falling away over that period. It is also understood that changes in staffing may have impacted the speed and ability for the Council to respond, though the loss of submitted evidence, the wireframes, during this process is not acceptable. The Council has confirmed that its position would not have changed had they been found during the application process, and this was evident during the Hearing. Accordingly, the need to appeal and the associated costs, would have still remained.
8. Finally on this application process, there is no formal requirement for the Council to provide applicants the opportunity to respond to reasons for refusal or officer reports prior to the issuing of its decision. It was also the choice of the applicant to seek additional input from the Council post the issuing of the decision; it is not an automatic requirement of the Council to provide additional advice outside of the pre-application or application processes. Had the applicant full confidence in their proposal, they need not have entered into the cycle of submitting additional information and waiting for responses but mounted an appeal against non-determination and thereby expediate the decision-making process.
9. Turning to the appeals process itself, it is purported that the Council did not evidentially substantiate its reasons for refusal and sought to evolve its case, specifically in relation to drawing heritage matters into its landscape assessments. This is evidenced by the re-drafting of the Council's Statement of Case and the need for the appeal process to change from written representations to a Hearing. It is also contested that prior to the submission of the appeal and during the appeal process, the Council failed to understand what is required for, and to work effectively with the applicant to agree, a Statement of Common Ground (SoCG).
10. The applicant states this has led to wasted expense in the form of requiring additional specialist consultant responses, the need to repeatedly review evolving submissions, and the drafting and re-drafting of various responses and documents including the SoCG, and ultimately the additional costs attributed preparing for a Hearing over written representations.
11. It is recognised that be starting the appeal within the written representation process, the Inspectorate had concluded on the basis the position of both parties was clear and relative straight forward. This decision was made by reviewing the applicant's Statement of Case (SoC), the decision notice and officer report. However, on receipt of the Council's SoC it was felt the need to revert to the Hearing process was necessary due to, in part, the expansion of the landscape evidence which increased the emphasis on time depth and landscape heritage context by drawing on the location of the appeal site with regards to heritage assets and significant historical personalities. This shows an expansion of case, if not an increase in reasons to refuse, especially as it would require the re-consideration of the statutory duties under the Planning (Listed Buildings and Conservation Areas) Act 1990.
12. The submission of the Council's initial SoC added a layer of complexity to the process and the change in appeal procedure reflected that. Nevertheless, the simple fact is that the applicant had sought a Hearing in the first place, and even had the Council not muddied the water in terms of the landscape position, the high-

level of third-party interest would in all probability forced the need to revert back to a Hearing.

13. Nevertheless, although the Council sought to reduce its emphasis on the landscape's historical context during the later stages of the appeal and ultimately provided a reasonable well-rounded approach to its landscape objections, it does not alter the fact the applicant had to deal with this additional argument, and this would have incurred additional expense. However, the historical context of the landscape was also brought up by multiple interested parties, so would still have had to have been tested. The applicant would therefore have had to deal with this matter anyway.
14. Accordingly, it is found that the Council has potentially sought to expand or evolve its case during the appeal process, and this would constitute unreasonable behaviour. But it is not found that this has ultimately led to unnecessary or wasted expense.
15. That the applicant requested a Hearing when submitting their application for appeal, so actively sought to develop a SoCG prior to the submission or in the very early stages of the appeal is a positive action. Indeed, it is advised in the Procedural Guide: Planning appeals – England to do so. The Council should be cognisant of this and should not leave the applicant feeling they need to explain what an SoCG should include to its officers.
16. However, the Council did not consider a Hearing necessary and therefore in its view there was no need to enter in SoCG negotiations prior to the Hearing proceed being confirmed. This is supported by Rule 6A¹ which only requires the main parties to prepare an agreed SoCG within 5 weeks of the start date of the appeal, in this case when the process changed. That the SoCG required substantial drafting and re-drafting is down to the considerations of the parties involved and so part of the process. Therefore, although it is agreed the Council's behaviour was not proactive, I do not find it wholly unreasonable.
17. For the reasons given above, although elements of unreasonable behaviour have been identified, it is not found that in this instance this has resulted in unnecessary or wasted expense and an award of costs is not warranted.

RJ Redford

INSPECTOR

¹ Of the Town and Country Planning (Hearings Procedure) (England) Rules 2000 (SI 2000/1626) (as amended)