



Costs Decision

Site visit made on 27 August 2025

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th September 2025

**Costs application in relation to Appeal Ref: APP/P1425/W/25/3362057
Land adjacent to Kiln Cottage, Coldharbour Farm, Hundred Acre Lane,
Wivelsfield Green, East Sussex RH17 7RS**

- 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 Ian Eldred of Shire Barn Developments for a full award of costs against Lewes District Council.
 - The appeal was against the refusal of planning permission for a single 4 bed home, part single and part 2 storey, including garage and access (revision is to previously proposed a) two homes and b) single 5 bed home).
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Decision

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

Reasons

2. The Planning Practice Guidance (the PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably, and that behaviour has directly caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The application is seeking to recover the full costs incurred in the appeal process. The applicant considers that the Council behaved unreasonably as different officers gave conflicting advice on the acceptability of the proposal in meetings and emails during the planning application process. This led to delays in determining the planning application which despite being amended was ultimately refused by the Council. Further, the applicant considers that the reasons for refusal are contradictory and do not satisfactorily consider Policy 2 of the Wivelsfield Parish Neighbourhood Plan 2016 (NP).
4. The Council states that the planning application was received in a time of flux within its planning department, with the case moving between three case officers and overseen by two development management leads. Officers aimed to work proactively with the applicant in accordance with paragraph 39 of the National Planning Policy Framework. In this respect, the Council sought various revisions to the scheme in trying to resolve issues raised by consultees and respondents. An internal design review found irreconcilable differences between the Council and the applicant on the design impact and housing types needed. Thus, the Council has justified the way it processed the planning application and reasons for the delay.
5. The amended proposal is for one dwelling, whereas Policy 2 of the NP allocates most of the site for the provision of approximately two dwellings. The Council's Planning Officer's Report and appeal statement clearly set out its reasons for the

second reason for refusal in respect of the underutilisation of the allocated site. As my appeal decision indicates, even though it was necessary to revise the scheme in response to concerns regarding impact on a nearby badger sett, I agree with the Council that the proposed scheme would fail to make efficient use of the site. Therefore, I do not find that the Council has behaved unreasonably regarding the second reason for refusal.

6. However, there is contradiction between this and the first reason for refusal relating to harm to the rural and natural character of the landscape and adjacent woodland. The first reason fails to reflect that the principle of residential development on the site has already been established by NP Policy 2, inevitably leading to the incursion of development adjacent to woodland and open countryside in this location. As shown in my appeal decision, I do not agree with the Council in respect of impacts on rural and natural character. As such, the Council's behaviour has been unreasonable in respect of the first reason for refusal as the applicant has had to spend money on addressing this point through his appeal submissions. It thus follows that the applicant has incurred unnecessary expense. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and a partial award of costs is justified.

Costs Order

7. 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 Lewes District Council shall pay to Mr Ian Eldred, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in contesting the Council's first reason for refusal; such costs to be assessed in the Senior Courts Costs Office if not agreed.
8. The applicant is now invited to submit to Lewes District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

A Wright

INSPECTOR