
Costs Decision

Site visit made on 20 August 2025

by **Stewart Glassar BSc (Hons), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 September 2025

Costs application in relation to Appeal Ref: APP/C3810/W/25/3363266 Longdown House, Little Heath Road, Aldingbourne, West Sussex BN18 0SR

- 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 B Briggs for a full award of costs against Arun District Council.
 - The appeal was against the refusal of outline planning permission for four detached family homes, to very high ecologically friendly and sustainable standards.
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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 (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. In brief, the appellant seeks a full award of costs due to the Council failing to follow its pre-application advice; failing to properly consider the self-build nature of the proposal; demonstrating a lack of appropriate balancing of the issues; not extending the period for determination of the planning application; including drainage as a reason for refusal; and raising post decision issues.
4. The Council has disputed that it acted unreasonably.

Pre-Application Advice

5. Pre-application advice is usually provided by officers and so does not prejudice the Council from taking a formal decision which differs in some way from the initial advice. In this case, the pre-application advice was, amongst other things, that a location outside of the built up area boundaries did not automatically mean a scheme would be rejected. This did not imply all such sites will be permitted, as this would obviously negate the need for settlement boundaries and various other development plan policies. I am also mindful that neither the development plan nor the Framework seek to impose a complete moratorium on all development outside of built up boundaries so some development is often permissible in these areas.
6. The document produced as Appendix A by the Council in its cost's rebuttal is dated June 2025. This may be a consequence of how the Council's computer system works when older documents are re-printed. The system may also automatically update older documents to newer corporate style and formatting. However, there are clear differences in content between the response provided by the Council and

the version supplied by the applicant. It is not clear why this is the case and so is something the Council may wish to review.

7. While I cannot be certain that the version supplied by the Council is in any way a deliberate attempt at fabrication, as suggested by the applicant, I have used the applicant's copy as my point of reference. Furthermore, regardless of the different versions of the pre-application response, I have focussed on the key point of the applicant's concerns, which is that the advice stated that sites outside of built-up boundaries are not automatically refused.
8. This sentence was clearly part of the wider setting out of the Council's policy approach and it is evident that when the advice is read as a whole the Council had some fundamental concerns regarding the development at this location. It is evident from my decision that even within a policy context where some development outside of the built-up areas may be permitted, I agree that there are sound planning reasons as to why this site is not an appropriate location for the proposed development.
9. I therefore see nothing inconsistent between the advice provided by the officers and the eventual decision of the Council. Consequently, I do not find that the Council acted unreasonably in refusing the application.

Self Build

10. The Council did not take the self-build element directly into account in its decision although it did not pursue the biodiversity net gain issue, which was a benefit of the houses purportedly being self-build. In this respect the Council's approach could be described as contradictory.
11. However, had the Council given weight to the claimed self-build nature of the development, it is not obvious from the initial officer report that this would have weighed so significantly in favour of the scheme that the application would have been approved and thus an appeal would have been avoided.
12. The Council's appeal statement supports this contention. Furthermore, it is evident from my appeal decision that the additional weight I would have attributed to the houses being self-build would similarly not have resulted in the scheme being permitted.
13. Regardless of this, the key point is that neither party addressed the fundamental question as to whether or not the houses would truly be self-build. The absence of any mechanism to secure them as such meant that they could not be considered as self build houses.
14. Therefore, the Council were ultimately correct in not weighing the matter positively in favour of the scheme. In fact, by ignoring biodiversity net gain, the Council positively, but wrongly, favoured the development. The Council may have been inconsistent in how it dealt with the self-build issue but I do not find that their actions led to the applicant incurring unnecessary or wasted expense.

Balancing Exercise

15. The Council's report may have benefited from a final concluding paragraph which weighed the various matters and thus clearly demonstrated a balancing exercise under Paragraph 11 of the Framework had taken place, ahead of a final decision

against the development plan as a whole. However, it is clear from reading the report in its entirety that the Council was cognisant of the housing supply position and the need to consider this and the implications in relation to Paragraph 11.

16. The report acknowledges the presumption in favour of sustainable development and considers the various aspects of the proposal through that lens. The reasons for refusal are a clear distillation of the overall considerations and are a reasonable outcome in the light of the Council's deliberations. In this respect, there is nothing unreasonable in how the report was laid out.
17. Had the officer report contained a more overt planning balance, there is nothing to suggest that the outcome would have been any different.

Extension of Time

18. A Council is not obliged to seek or consent to an extension of time of the determination period of an application, particularly if it will not change the overall outcome of the application.
19. In this case a revised Framework was published on 12 December 2024, 12 days before the decision was made. It is not clear why the applicant required a 21-day extension to the determination period to consider the revised version nor why that request was only made from the 20 December 2024 onwards. The lead up to Christmas can be a busy time and staff can sometimes be on leave during this period but there is nothing before me to indicate that might have been the case in this instance. Similarly, there is nothing to suggest that the applicant was in some other way prevented from responding to the revised Framework from the 12 December 2024 onwards.
20. Furthermore, to my mind, it would not have required much time to identify any changes to the Framework that might have fundamentally impacted on the proposal and the Council's decision. The applicant does not identify any changes which significantly altered the situation. Similarly, I did not identify the Framework as a consideration which meant the decision should have been otherwise than in accordance with the development plan.
21. Consequently, I am unable to find the Council acted unreasonably in relation to this matter or that the applicant incurred unnecessary or wasted expense in appealing the decision as a result.

Drainage

22. I have discussed the matter of drainage as part of my substantive decision. For the reasons set out in that decision, I have not agreed with the applicant that seeking the drainage details at reserved matters stage would be appropriate in this case. Given the circumstances of the site/area and the development plan requirements, this is clearly a fundamental issue which needs to be resolved at the outline stage. The Council was within its rights to refuse the application on the lack of this information.

Raising post decision issues

23. Despite the applicant's suggestions, the Council's appeal statement does not try to introduce new evidence or grounds. Visual impact is a component of the effect of the proposal on the character of the area, which forms part of the first reason for

refusal. Similarly, the accessibility of the site is related to the sustainability of the location.

24. The Council's statement does not seek to incorporate the issues of highway safety, ecology or biodiversity into the considerations although given my findings on the self-build issue, biodiversity could legitimately have been a consideration for the Council. Furthermore, they are not matters which I have addressed in my decision, nor are they matters on which the appellant has offered any substantive response. Thus, there is no expense incurred in seeking to respond to or rebut the specific concerns the Council are alleged to have raised. No grounds for an award of costs therefore arise in respect of this matter.

Conclusion

25. Any appeal is based on a difference of opinion. The position taken by the Council on appeal has been made out with sufficient detail and analysis. The Council set out its concerns and adequately explained why the proposal was not considered to be acceptable and why the applicant's appeal submissions, including the quoted appeal decisions, did not overcome its concerns. The Council's case has been adequately reasoned and framed within the context of the development plan.
26. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Stewart Glassar

INSPECTOR