



Costs Decision

by Mark Harbottle BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2025

Costs application in relation to Appeal Ref: APP/L3815/X/24/3343345

Long Acres, Drift Lane, Chidham, West Sussex PO18 8PR

- The application is made under the Town and Country Planning Act 1990 ("the Act"), sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Chichester District Council for a full award of costs against Mr Tony Leigh.
 - The appeal was against the refusal to grant a certificate of lawful use or development for hardstanding and earth bund.
-

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. The Council considers the submission of 3 additional statutory declarations (SDs) in the appeal was an unreasonable introduction of fresh evidence at a late stage.
4. The 3 SDs were submitted at the start of the appeal process but the Council argues that, had they been included in the application, it might have avoided expense in the appeal. However, I note that the appellant's SD, submitted with the application, stated that 2 of the 3 people whose SDs were submitted later were willing to confirm that the work had been carried out more than 4 years before the date of the application. It therefore appears that much of the additional evidence could have been considered at the application stage.
5. More significantly, due regard to section 191(4) of the Act in determining the application should have led to a conclusion that the hardstanding and earth bund are not lawful by reason of section 191(2)(b) of the Act. That is because they contravene a requirement of an enforcement notice that was in force on the date the application was made. This would have made clear that additional SDs could not have influence, so none might have been submitted, and the appeal may not have even been pursued.
6. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Mark Harbottle

INSPECTOR