
Costs Decision

Site visit made on 22 September 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16th October 2025

Costs application in relation to Appeal Ref: APP/P1425/W/25/3368100

Camoy's Court Farm, Barcombe Mills Road, Barcombe, East Sussex BN8 5BH

- 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 Tom Hamilton of Home Steyning Ltd for a full award of costs against Lewes District Council.
 - The appeal was against the refusal of planning permission for demolition of existing buildings and erection of 5 no dwellings.
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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. The applicant considers that the local planning authority (LPA) has behaved unreasonably in both procedural and substantive terms and seeks a full award of costs.
3. The PPG makes it clear that a LPA may be at risk of a substantive award of costs if it fails to substantiate its reasons for refusal at appeal, and/or makes vague generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The LPA did not explicitly reference the previous planning application and appeal in its officer report, neither did it explicitly deal with the fallback position as a material consideration. These were significant shortcomings in the authority's consideration of the case and could be deemed to constitute unreasonable behaviour.
5. Although I have found in my planning decision that the fallback position justifies a grant of planning permission, this required a comparative assessment of the schemes in relation to their effects on the character and appearance of the area and the quality of living environment provided within the developments. These matters required the exercise of planning judgement, and it is unclear what conclusions the LPA would have drawn had it undertaken a comparative assessment. Thus, I cannot be certain that the LPA would have been minded to grant permission, had it properly taken all material considerations into account.
6. I am not confident, based on the evidence presented, that the appeal could have been avoided and the associated costs incurred by the appellant avoided. Given this, an award of costs would not be appropriate. I therefore find that unreasonable

behaviour resulting in unnecessary or wasted expense as defined in the PPG has not been demonstrated. Accordingly, the application for costs is refused.

C Coles

INSPECTOR