



Costs Decision

Site visit made on 21 November 2025

by **C Shearing BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2nd December 2025

Costs application in relation to Appeal Ref: APP/C1435/D/25/3371736

Prospect Cottage, The Green, Ninfield, East Sussex TN33 9JE

- 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 James Datchler for a full award of costs against Wealden District Council.
 - The appeal was against the refusal of planning permission for demolition of conservatory and construction of a single storey side extension.
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Decision

1. The application for 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's decision, taken by the Planning Committee, went against the officer's recommendation. Nonetheless, Members are entitled to reach a contrary view and the statements taken from the officer's report did not constitute the Council's final decision. The officer's report clearly sets out the relevant policies and considerations which enabled the Planning Committee to make its decision and I understand the Committee undertook a site visit. This process is a fundamental principle of local decision making and does not therefore amount to unreasonable behaviour.
4. The development has clearly presented effects on the neighbour's bathroom and the assessment of its acceptability involved matters of judgement. While I have disagreed with the Council's reason for refusal, I do not consider the development was one which should *clearly* have been permitted having regard to the development plan and other considerations.
5. The Council have not produced detailed evidence to substantiate its reason for refusal. However, as the appeal was determined under the Householder Appeal Service, there was no opportunity for the Council to submit an appeal statement, only to draw the Inspector's attention to any factual inaccuracies or changes in circumstances. Since it was not invited to substantiate its case, I cannot agree that the Council behaved unreasonably in this regard.

6. For the reasons given, unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process has not been demonstrated. The application for costs is therefore refused.

C Shearing

INSPECTOR