



Costs Decision

Inquiry held on 28-31 October & 4 November 2025

Site visit made on 31 October 2025

by **Nick Fagan BSc (Hons), DipTP, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4th December 2025

Costs application in relation to Appeal Ref: APP/C3810/W/25/3369419

Land west of Bewley Road, Angmering, West Sussex BN16 4JL

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Gleeson Land for a full award of costs against Arun District Council.
 - The inquiry was in connection with an appeal against the refusal of outline planning permission for the construction of up to 190 residential dwellings and a community building (use class E (d,e) or F2(b)), together with the provision of open space, landscaping and associated infrastructure.
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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. The appellant's application for costs is as follows. First, the Council did not mention any landscape related objection in its refusal reasons and introduced it only in its Statement of Case (SoC), contrary to Article 35(1)(b) of the DMPO¹. This included objections on the basis of conflict with ALP Policy GI SP1, which had not been cited in any refusal reason. Secondly, the Council advanced no landscape witness to back up such an objection.
4. Thirdly, it refused planning permission on a developable site in the Council's HELAA, contrary to its Action Plan. And, fourthly, failed to review its case in relation to refusal reasons 1 and 3, following its withdrawal of refusal reason 2, in circumstances where planning officers had recommended approval of the application to the Council's Committee and where the harm identified in the reasons for refusal plainly does not significantly and demonstrably outweigh the benefits of the development.
5. The Council has countered all these costs grounds in its Response dated 3 November 2025 (ID32), in my view successfully for the reasons I set out below, taking each ground in turn.
6. The Council cites ALP Policy C SP1 (Countryside) in its first refusal reason. That policy states that land outside BUABs (i.e. countryside) will be recognised for its

¹ The Town and Country Planning (Development Management Procedure) (England) Order 2025

intrinsic character and beauty. This policy is directly linked with Policy SD SP2 in that the site lies outside a BUAB and is therefore defined as countryside, which sits alongside it in the ALP; I agree with the Council that these policies should be read together because they are concomitant in the context of the ALP. Whilst it is true that the Council only introduced the conflict with Policy GI SP1 in its SoC, it is related to the loss of open countryside including the effect of the development on PROWs 2198 and 2176, which is not unreasonable. Indeed, I have found that this would be the case in my appeal decision, as well as finding a breach of both policies.

7. In terms of the Council not calling on a landscape witness to put forward its evidence, it is entitled to rely on whoever it wishes to do this. It was not unreasonable to rely on Mr Carpenter, its planning witness, to do so, which the appellant acknowledges he did in his Proof. I say this, bearing in mind that paragraph 6.33 of the main Statement of Common Ground agrees between the appellant and Council that the landscape and visual effects set out in Tables EDP 6.1 and EDP 6.2 of the LVA are agreed.
8. I agree with the Council that the HELAA is a very high-level starting point in terms of establishing appropriate sites for development. A HELAA site is not equivalent to an allocated site in a local plan and is certainly not a substitute for or akin to the development management process. The fact that the Council and appellant agree that the appeal scheme could deliver some housing within the next 5 years is not akin to the whole scheme being deliverable in that time; hence the definition of the two HELAA sites that comprise the appeal site as simply developable. There is certainly no assumption that all HELAA sites will be granted planning permission.
9. In terms of the appellant's fourth ground for its application, I consider the Council did review its case, hence its notification that it would raise Policy GI SP1 as an additional policy breach and that it would not seek to defend its refusal reason two in view of the change to the flooding sequential test provisions in PPG on 17 September 2025.
10. It could, obviously, have chosen not to defend its refusal reasons 1 and 3 at that stage, but it chose to do so, knowing full well that the tilted balance in NPPF paragraph 11 d) ii) then applied. But it chose to continue to defend those reasons at the Inquiry, which it did with vigour and effectiveness, notwithstanding that I have found against it in my appeal decision, because it considered that the harms identified did significantly and demonstrably outweigh the scheme's benefits. A Council is not obliged to follow the recommendation of its officers, provided it puts forward a positive and justified case at appeal, which is what it has done here.
11. Consequently, there has been no unreasonable behaviour exhibited by the Council in this appeal.

Conclusion

12. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Nick Fagan

INSPECTOR