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## Costs Decision

Site visit made on 4 November 2025

**by Lynne Evans BA MA MRTPI MRICS**

an Inspector appointed by the Secretary of State

Decision date: 18 December 2025

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### **Costs application in relation to Appeal Ref: APP/T1410/W/25/3370906 Willowfield Studios, 67A Willowfield Road, Eastbourne, BN22 8AP**

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by RCCG House of Favour Eastbourne for a full award of costs against Eastbourne Borough Council.
  - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for change of use of ground floor spaces from martial art studio (formerly D2 use), garages, workshop and ancillary spaces to part F1 (f) and Part E (f) use. First floor offices remain unchanged.
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### **Decision**

1. The application for an award of costs is allowed in the terms set out below.

### **Reasons**

2. The Planning Practice Guidance 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. From the information provided by the Applicant as part of the appeal, it would appear that the application was taken to the Council meeting on 11 February 2025 with an officer recommendation for approval. I understand that the recommendation was overturned by the Council, but no decision was issued, and the Applicant appealed against non-determination in August 2025. Apart from returning the appeal questionnaire together with copies of representations received during the application process, the Council has not engaged in the appeal process. They have not provided an appeal statement to explain and justify the decision of the Council, if there was a decision made, nor provided any draft conditions or responded to the costs application.
4. Whilst it appears that an appeal may have been unavoidable, given that the Council appeared to overturn their Officers' recommendation for approval, the Council has acted unreasonably. A Council is not bound to accept its Officers' recommendation, but in doing so, it is required to provide clear reasons for refusal, which are then explained and justified during the appeal process. The Council has not undertaken any of these actions; first, in not issuing a decision notice, and then not providing any information at the appeal stage (beyond the questionnaire and copies of representations at the application stage).

5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated, and that a full award of costs is justified.

### **Costs Order**

6. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Eastbourne Borough Council shall pay to RCCG House of Favour Eastbourne the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
7. The applicant is now invited to submit to Eastbourne Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

*L J Evans*

INSPECTOR