
Costs Decision

Site visit made on 13 January 2026

by **L Francis BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21st January 2026

Costs application in relation to Appeal Ref: APP/T1410/W/25/3375538

31 Willingdon Park Drive, Eastbourne, East Sussex BN22 0BT

- 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 Ademar Rey 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 the erection of single storey side/rear extension, single storey front extension, erection of outbuilding, relocation of existing shed & removal of 2no. chimney stacks.
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Decision

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

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 PPG is clear that where there are no substantive reasons to justify delaying the determination and better communication with the applicant would have enabled the appeal to be avoided altogether, then a local planning authority may be at risk of an award of costs (paragraph: 048 Reference ID: 16-048-20140306).
4. The planning application was submitted on 27 March 2025 and the acknowledgement and validation letter from the Council was dated 2 April 2025. The appeal against the failure of the Council to determine the application was dated 6 November 2025. In the intervening 7-month period, the applicant states that although he was able to speak to a Council officer by telephone and received assurances that the matter would be raised with the relevant officers, no follow up responses were received. The applicant states that his e-mails to the Council dated 10 and 19 September 2025 asking for an update were not answered and the Council has not provided evidence to the contrary.
5. I appreciate that the Council was operating in a state of flux at the time the application was being considered, with the application being passed between 2 case officers. However, I do not find that this would reasonably account for a period of 7 months without a decision being made.
6. The Council submitted a statement of case in response to the appeal acknowledging that the application would have been approved, had they been able

to determine it. I find that this amounts to unreasonable behaviour on behalf of the Council, as it unnecessarily delayed development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.

Costs Order

7. 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 Mr Ademar Rey, 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. 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 Francis

INSPECTOR