

Costs Decision

Site visit made on 20 January 2026

by Paul Freer BA (Hons) LLM PhD MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 24 February 2026

**Costs application in relation to Appeal Ref: APP/L3815/C/25/3372104
Land North of Manor Copse Farm, Oak Lane, Shillinglee, Plaistow, West
Sussex GU8 4SQ**

- The application is made under the Town and Country Planning Act 1990, sections 174, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made Mr Paul Hayward for a full award of costs against Chichester District Council.
 - The application for costs is in connection with an appeal against the issue of enforcement notice alleging, without planning permission, the material change of Land to a camping site.
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Decision: the application is refused

Procedural Matters

1. Although the application for costs was submitted specifically in relation to Appeal Ref: APP/L3815/C/25/3372104, on my reading the substance of the application for costs and the Council's response to that application both relate to all three appeals submitted by the applicant in relation to this site (PINS Refs: APP/L3815/C/25/3372104, APP/L3815/X/25/3358727 and APP/L3815/W/25/3368755). In that respect, all three appeals are inextricably interlinked. I have approached this application for costs on that basis.

The case for the applicant

2. The case for the applicant is briefly stated. In essence, the applicant asserts that the Local Planning Authority ignored the appellant's statutory rights and exceeded their authority in this matter. The basis for this assertion is that there being no grounds under permitted development rights for a 60 day camp site requiring the applicant to produce, Ecology Report, Water Neutrality Survey, Flood Survey and corresponding with Natural England, the applicant was forced to do so by the Local Planning Authority because they ignored his lawful rights under the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO).

The response of Chichester District Council

3. The applicant chose to submit an application for the grant of planning permission for the 'Change of use of land to seasonal glamping site between 1st April and 30th September each year, and erection of timber shed and compost toilet.' This development would not benefit from permitted development under Class BC Of the GPDO, as it exceeds 60 days and also includes built structures.

4. The documents referred to by the appellant (Ecology Report, Water Neutrality Survey, Flood Survey) were all validation requirements of the Council at the time of submission of the application. Whilst the Council acknowledge that the appellant considers that planning permission is not required for the works, a planning application was submitted to the Council and therefore the validation requirements applied.
5. A Flood Risk Assessment (FRA) was required for the application as the mapping data shows part of the site at risk of flooding. This is fully set out in the Council's Delegated Report and in the Council's Statement of Case. The appellant did not provide an FRA for this proposal, and this matter remains in dispute under this appeal as the appellant disagrees that the site is at risk of flooding and has therefore incurred no cost of preparing this document.
6. The site is home to and/or in close proximity to the habitats of a number of protected species and therefore it was necessary for the Council to consider ecology and the impact on protected species as part of the application. The Council's reasoning and justification for this is fully set out in the Delegated Report and Statement of Case. This was not an unreasonable request and was in line with the Council's validation list. As the inspector will be aware, the Habitats Regulations must be adhered to and without certainty that there would be no harmful impact on protected species permission must not be granted.
7. The reason for refusal relating to Water Neutrality is fully set out in the Delegated Report and in the Statement of Case. Since the submission of the Statement of Case, Natural England have withdrawn their position statement relating to the Sussex North Water Resource Zone and therefore the requirement to demonstrate water neutrality has fallen away. Notwithstanding the fact that the matter has fallen away, the Council were not unreasonable in requiring this to be demonstrated during the course of the application and for it subsequently forming a reason for refusal. The application was determined on 31 March 2025 and the position statement was withdrawn on 1 November 2025. The Council were therefore reasonable in pursuing this as a reason for refusal and the Local List listed a water neutrality statement as a validation requirement at the time the application was submitted and determined.
8. The Council have set out their assessment of the harms within the Delegated Report and have identified the policies with which the development would be contrary to. Whilst it is clear that the appellant takes a different view on the technical issues identified, this does not demonstrate that the Council have acted unreasonably in their determination of the application.
9. The Council contends that the reasons for refusal are clear and are substantiated within the Delegated Report, having regard to all relevant planning policies and relevant case law at that time. The Council therefore considers that it has not acted unreasonably in its assessment of the application, or in issuing a refusal for a scheme considered to be contrary to policies contained within the Development Plan, and as such, it is therefore respectfully requested that the Application for an Award of Costs is refused.

Reasons

10. The PPG advises that, irrespective of the outcome of the appeal, costs may only 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 PPG indicates that one of the aims of the costs regime is to encourage all those involved in the appeal process to behave in a reasonable way and to follow good practice. The PPG provides examples of unreasonable behaviour which may result in an award of costs against a Local Planning Authority. These examples include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
11. The starting point is that it became necessary for the applicant to submit a planning application for a use described as a glamping site for seasonal use between 1st April and 30th September for a maximum of 60 days; 15 x 4.5 meter bell tents; 1 x 6m x 6m freestanding Marquee; 1 x sectional built free standing compost toilet and 1 x sectional free standing timber shed measuring 3.5m x 1.8m. The submission of that application necessitated the submission of a range of documents.
12. I find nothing unusual or unduly onerous in the documents the Council required the applicant to provide. To give just one example, the Council has a duty to consider ecology and the impact on protected species as part of the application. That in turn required a survey(s) to inform the Council's making in that respect. There is nothing unusual or disproportionate in the Council requesting a Phase 1 bat survey as part of that.
13. In the event, the applicant did submit a bat survey but only after an appeal had been lodged against the refusal of planning permission. The PPG also provides examples of unreasonable behaviour which may result in an award of costs against an appellant. These examples include only supplying relevant information at appeal when it was requested, but not provided, at application stage. In my view, the applicant's failure to submit a Phase 1 bat survey and/or other ecology reports constituted unreasonable behaviour on the part of the applicant in PPG terms.
14. The same is equally true of the failure to submit a FRA at application stage, only then to submit an FRA as part of the documents provided at appeal (and even then it was fundamentally flawed as provided). The mapping data clearly shows part of the site at risk of flooding, and an FRA should have been submitted with the planning application. This again constituted unreasonable behaviour on the part of the applicant in PPG terms.
15. I conclude that the Council did not act unreasonably in requesting those documents at application stage. They should properly have been provided as part of the planning application. I fully recognise that applicant considers that the use of the site for camping is permitted by Class BC, Part 4, Schedule 2 of the GPDO. But that is an entirely different matter. Having elected to submit a planning application, the applicant had a responsibility to provide the Council with all the necessary information to enable it to determine that application. In this case, the applicant manifestly failed to do that.

16. I am mindful that the application for costs was submitted specifically in relation to the appeal against the enforcement notice alleging, without planning permission, the material change of Land to a camping site. But that does not assist the appellant. The Council did not act unreasonably in its defence of that appeal.
17. Inspectors have the power to initiate an award of costs against either party where unreasonable behaviour is identified. As a matter of fact, I seriously considered initiating an award of costs against the applicant and in favour of the Council given the unreasonable behaviour described above and his complete disregard of the appeal timetable (i.e. only submitting a bat survey and an FRA at Final Comments stage). In the event, I decided against that course of action but only because the applicant/appellant was not professionally or legally represented at any stage of the proceedings.
18. In that respect, the matters raised in these proceedings include some highly technical planning and legal subjects (for example, the Habitats Regulations, the Towns and Country Planning (General Permitted Development) (England) Order 2015 and the case law relating to the enforcement of planning control). With respect to the appellant, I am not convinced that he possesses the technical and/or legal knowledge/expertise to present his case as fully as possible and therefore to his best advantage. He would be well advised to instruct legal and/or professional experts to present his case in any future applications/appeals.
19. The PPG is very clear: costs may only 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. In this case, I find that the Council has not acted unreasonably, such that one of the requirements for an award of costs is not present. The issues of concern to the applicant all arose from the inescapable fact that the application as submitted to the Council was fundamentally lacking in terms of the documentation that is reasonably required to be provided given the circumstances of the site and the nature of the development proposed. The same applies to the appellant's case in all three of these appeals. I therefore conclude that an award of courts of costs against the Council is not justified.

Paul Freer

INSPECTOR