



Costs Decision

Hearing held on 27 January 2026

Site visit made on 27 January 2026

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2026

Costs application in relation to Appeal Ref: APP/L3815/W/25/3372880 Land East Inlands Road and South of Railway Line, Inlands Road, Nutbourne, West Sussex, PO18 8RJ

- 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 Metis Homes Ltd for a full award of costs against Chichester District Council.
 - The appeal was against the refusal of planning permission for up to 49 dwellings; provision of open space and sustainable drainage.
-

Decision

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

Procedural matters

2. The application was submitted in writing at the hearing. The Council was given an opportunity to respond in writing after the hearing, and the applicants given an opportunity for final comments.

Reasons

3. 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.
4. It adds that local planning authorities are at risk of an award of costs if they behave unreasonably with regard to the substance of the matter under appeal, for example, by preventing development which should clearly be permitted having regard to its accordance with the development plan, national policy and other material considerations, or by making vague, generalised or inaccurate assertions about a proposal's impact. Local planning authorities are also expected to behave reasonably with regard to procedural matters, for example, by not introducing fresh and substantial evidence at a late stage necessitating extra preparatory work.
5. The planning application, subject of the appeal was recommended for approval by officers. Part of this included responses from the highways authority and Network Rail, who both confirmed that they had no objection to the proposal. Indeed following an initial deferral by the planning committee in May 2025, both these bodies were asked to confirm their views. Their responses were provided to the planning committee when the application was brought back to Members in June 2025.

6. From the content of these responses, it is clear that Network Rail still had concerns. But their final response to officers before the June committee was that they did not wish to object. In addition, the highways authority's response specifically addressed the concerns that the road was of insufficient width and with discontinuous footways, stating that that concern, which appears to stem from the draft Southbourne Allocations Development Plan Document related to proposals for 800 homes. They confirmed they had no objections to this current scheme.
7. It is accepted that Members are not bound by the advice of their officers, and they are able to attach weight to the different planning matters as they see fit. Nonetheless, on technical matters such as the safety of the railway crossing or the ability of the highway to accommodate the movements generated by the development, I consider it was unreasonable for them to disagree with officers and reach an unsubstantiated contrary view.
8. These were the two main reasons for refusal; the other reason relating to the lack of a provision of a planning obligation which, from the officer's report, it appears there was no dispute over. Indeed the officer's recommendation was to approve subject to the obligation being completed. As such, refusing the application meant the development was prevented when it should clearly have been permitted. The appeal was therefore unnecessary and the costs of preparing and submitting the appeal were wasted.
9. However having made the appeal, it was reasonable for the Council to expand upon the two reasons for refusal through written statements and in person at the hearing, including with respect to explaining Network Rail's concerns despite the providing no formal objection to the application. No substantially fresh evidence was introduced. Similarly, due to the adoption of the Local Plan during the appeal process, it was not unreasonable for the Council's case to reflect that, particularly with regard to policy A13 and their contention that there was conflict with that, albeit it is recognised that the policy was at an advanced stage at the time they made their decision.
10. As such, for the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense as set out in the PPG has occurred, but only on the substantive grounds claimed by the applicant, not the procedural ones, and so a partial award of costs is therefore warranted.

Costs Order

11. 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 Chichester District Council shall pay to Metis Homes Ltd, the costs of the appeal proceedings described in the heading of this decision; limited to those costs incurred with respect to substantive matters only; such costs to be assessed in the Senior Courts Costs Office if not agreed.
12. The applicant is now invited to submit to Chichester District 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.

Andrew Owen
INSPECTOR