



Costs Decision

Site visit made on 24 February 2026

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 March 2026

Costs application in relation to Appeal Ref: APP/C3810/C/24/3337426

Land at The Pavilion, Hook Lane, Bognor Regis PO22 8AT

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Arun District Council for a full award of costs against CW Bikes Limited.
 - The appeal was against an enforcement notice alleging the material change of use of the land to a mixed-use comprising storage, residential, a residential caravan site and furniture repair and sales, including operational development involving the erection of fencing and hard surfacing.
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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 are normally expected to meet their own expenses. However, the Planning Practice Guidance (PPG) chapter on appeals advises that costs may be awarded where a party has behaved unreasonably and that behaviour has caused another party to incur unnecessary or wasted expenditure in the appeal process (paragraphs 028 and 030).
3. Paragraph 028 of the PPG explains that the aim of the costs regime is to encourage all those involved in the appeal process to behave in a reasonable way and follow good practice, both in terms of timeliness and in the presentation of full and detailed evidence to support their case. At paragraph 031, the PPG advises that 'unreasonable' has its ordinary meaning, as established by the Courts¹ and that unreasonable behaviour can be either procedural-relating to the process, or substantive-relating to the issues arising from the merits of the appeal.
4. The Council sought a full award of their costs in relation to the appeal on procedural and substantive grounds. The application was made in writing, in accordance with the PPG at paragraph 035. In summary, the Council's case is that the appellant was uncooperative by failing to engage with them, which could have avoided the appeal being made. The Council also argued that by providing little evidence to support their case and relying on manifestly inaccurate evidence the appellant has pursued an appeal which had no reasonable prospect of success.
5. At paragraph 052, the PPG explains that appellants are required to behave reasonably in relation to procedural matters on the appeal, for example by complying with the requirements and deadlines of the appeals process. It goes on to provide a non-exhaustive list of examples of unreasonable behaviour which may result in an award of costs on procedural grounds, which include resistance to, or

¹ *Manchester City Council v SSE & Mercury Communications Limited* [1988] JPL 774

- lack of co-operation with the other party or parties in providing information, discussing the application or appeal and providing information that is shown to be manifestly inaccurate or untrue.
6. The PPG at paragraph 053 stresses that the right of appeal should be exercised in a reasonable manner. It goes on to explain that an appellant is at risk of an award of costs being made against them on substantive grounds if their appeal had no reasonable prospect of succeeding. The paragraph also stresses that in an enforcement appeal, the onus of proof on matters of fact rests with the appellant.
 7. The Council's points concerning the appellant being uncooperative largely relate to before the notice was issued, not during the appeal itself. That an enforcement notice was issued is not necessarily indicative of an appellant behaving unreasonably. Neither is exercising the right of appeal against an enforcement notice inherently unreasonable.
 8. Nevertheless, the appellant has a responsibility to support their appeal as fully as possible. The appellant's case can in no way be described as full or detailed. Their brief written submissions do not reference any authority which the development alleged in the notice would purportedly benefit from. There is little explanation or analysis of the development in relation to the lawful use of the appeal premises. Further, there are significant factual inaccuracies in the submissions which as the owner of the premises the appellant should have realised would not stand up to detailed, objective scrutiny.
 9. Accordingly, the appellant's actions have been similar to one of the examples of unreasonable behaviour relating to the appeal procedures, set out in the PPG. Whilst the appellant was not professionally represented, that does not exempt them from exercising the right of appeal in a responsible fashion. Moreover, the appellant is a limited company which I am given to understand has access to sufficient resources to manage their affairs responsibly, including by seeking appropriate professional advice when necessary.
 10. In isolation, a failure by an appellant to discharge the burden of proof to show why their appeal should be allowed would not, in itself, amount to unreasonable behaviour relating to the substance of the matter at appeal. Even so, the significant shortcomings in the appellant's evidence described above also point towards their appeal having no reasonable prospect of success. It is therefore entirely possible that the appeal could have been avoided entirely by the appellant adopting a more measured response to the Council's issuing of the notice. That the appellant did not make a response to the costs application has only increased the difficulty involved in drawing conclusions other than those set out above concerning their actions in both the appeal procedures and the substance of their case at appeal.
 11. The appellant's behaviour in the appeal procedures and failure to substantiate their case at appeal has led to the Council incurring unnecessary expenditure through having to defend the issuing of the enforcement notice in these proceedings. Accordingly, the conditions for an award of costs at paragraph 030 of the PPG have been met.

Conclusion

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

Costs Order

13. 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 CW Bikes Limited shall pay to Arun District Council, 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 Council is now invited to submit to CW Bikes Limited, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Stephen Hawkins

INSPECTOR