



Costs Decision

Site visit made on 17 November 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 April 2026

Costs application in relation to Appeal Ref: APP/P1425/W/25/3370668

Land to the South of Allington Road, Newick

- 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 B.Yond Homes Ltd for a full award of costs against Lewes District Council.
 - The appeal was against the refusal of the Council to grant subject to conditions, planning permission for residential development of the site with access, roads, parking, open space, SuDs and associated infrastructure.
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Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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. PPG makes it clear that a Council may be at risk of a substantive award of costs if it fails to substantiate its reasons for refusal at appeal, and/or makes vague generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The applicant contends the Council caused considerable delay by taking so long to determine the application, were in special measures, the planning committee had come to a pre-determined conclusion on the application and acted unreasonably in relation to the weight given to the policies in the application.
5. The Council Planning Committee, refused the planning application against officer advice. Whilst a planning committee is entitled to make decisions that are contrary to the officer recommendation, there is an expectation that where this occurs it should show reasonable planning grounds for taking a contrary decision and produce sound, substantive and defensible evidence on appeal to support the decision in all respects. Whilst I have not agreed with the Council in its decision, I have not been provided with substantive evidence that the planning committee following hearing representations and an open discussion on the merits of the case did not show reasonable planning grounds for its decision or that it did not provide sound, substantive or defensible evidence in the appeal. Ultimately, the decision in this case called for a judgement to be made as to the qualitative aspects of an area, and it is rarely the case that there can be only one plausible judgement. I am satisfied that the Council gave a reasoned assessment for their decision.

6. The Council has acknowledged the delay in determining the application due to matters largely outside the Council's control and the applicant could have appealed against non-determination of the application but chose not to. I do not find the Council to have acted unreasonably in this respect.
7. Whilst the Council is in special measures, this is not a matter that should affect how the planning committee determines an application. I have not found this to be unreasonable behaviour on behalf of the Council.
8. The planning committee, as decision makers are entitled to determine the appropriate weight to apply to each planning policy and this weight has been justified in the appeal documents.
9. I have not been provided with substantive evidence by the applicant that demonstrates evidence of pre-determination on behalf of the planning committee.

Conclusion

10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as defined in PPG, has not been demonstrated. Accordingly, the application for costs is refused.

C Coles

INSPECTOR