



Costs Decision

Site visit made on 19 May 2026

by J Woolcock BNatRes MURP PGDipLaw MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th June 2026

Costs application in relation to Appeal Ref: APP/D3830/W/25/3373103

Unit 19 Bolney Grange Industrial Park, Bolney, Haywards Heath, RH17 5PB

- 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 UK Helix for a full award of costs against Mid Sussex District Council.
- The appeal was against the refusal of planning permission for rear extension to existing industrial unit.

Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance 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. In summary, the applicant considers that the Council acted unreasonably because it failed to critically analyse the comments made by West Sussex Lead Local Flood Authority and did not properly assess the proposal against Policy DP41 or consider the imposition of a planning condition to overcome any harm, which prevented development that should have clearly been permitted. The Council considers that the decision notice clearly sets out the reasons for refusal and that these have been substantiated with relevant policies from the Development Plan and West Sussex Lead Local Flood Authority Culvert Policy.
4. For the reasons set out in my appeal decision, I have come to a different judgement about the practicality of ditch maintenance and the application of relevant policy in the specific circumstances that apply in this case. But it was not unreasonable for the Council to exercise its judgement in the way that it did on these matters. Given the Council's application of policy, it was not unreasonable for the planning authority to conclude that the harm it identified could not be overcome by the imposition of planning conditions. Furthermore, I consider that the Council's case at appeal did not lack substance. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

J Woolcock

INSPECTOR