



Costs Decision

Inquiry opened on 9 December 2025

Site visit made on 9 July 2026

by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 August 2026

Costs application in relation to Appeal Ref: APP/L3815/W/25/3371769

Melita Nursery, Chalk Lane, Sidlesham, PO20 7LW

- 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 Mr M W Goddard for a partial award of costs against Chichester District Council.
 - The appeal was against the refusal of planning permission for provision of 22 no. Gypsy/Traveller pitches (across 11 Plots) comprising 22 no. static caravans and 11 no. touring caravans.
-

Decision

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

The Submissions for Mr M W Goddard

2. The Applicant's application for costs relates to the adjournment of the Inquiry on 9 December 2025. It is submitted that the unreasonable behaviour of the Council was procedural as it failed to carry out relevant consultation of the Inquiry on nearby neighbours at No 28b Chalk Lane, that the press notification on 4 December 2025 did not give interested parties sufficient notice of the upcoming Inquiry. Furthermore, disclosure of who had been consulted of the Inquiry, on the 9 December 2025 meant that there was no prospect of it being postponed.
3. As a consequence, the Applicant's team went to the time and expense of preparing for the Inquiry on 9 December, attending the Inquiry on 9 December along with travel and accommodation costs that were incurred. Given the time lapse between December and July, the preparation for the Inquiry had to be considered afresh, thus the preparation and costs associated with attending the event in December were wasted expense.

The Response by The Council

4. The Council submit that the failure to notify No 28b Chalk Lane and the notification taken out in the press was the result of a genuine and relatively minor procedural error, that an alternative to adjournment was proposed by the Council at the December Inquiry date, and that the length of delay between the resumed Inquiry was outside the control of the Council.

Reasons

5. 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. The PPG sets out examples of unreasonable behaviour and in relation to the local planning authority, matters such as lack of co-operation with the other party and failing to notify the public of an inquiry or hearing, where this leads to the need for an adjournment are such examples.
6. It is clear that the Council undertook a consultation exercise at application stage which extended to occupiers beyond those who adjoined the site. This included properties on the opposite side of Chalk Lane and No 8 Cow Lane. I acknowledge that when deciding who to consult on a planning application is a matter of judgement and so long as the requirements of The Town and Country Planning (Development Management Procedure) Order 2015 are met, the Council would not be at fault procedurally. In that the consultation did not extend to No 28b, does not to my mind demonstrate unreasonable behaviour.
7. Turning to the appeal publicity. Within my Case Management Conference (CMC) Summary Note, I asked that notification letters, press notices and site notices containing details of the Inquiry arrangements were issued immediately.
8. The Council submit that notification letters were issued to those who had been consulted on the planning application and to those who had made representations on it. It is unclear whether the occupiers of No 28b made comments on the planning application because a number of comments were made anonymously. The Council could not know therefore where the anonymous comments had come from. The consultation letters were sent out in a timely manner, in accordance with my CMC Summary Note.
9. Whilst a copy of this letter was sent to the case officer no list of who was notified was submitted. I acknowledge that this was not specifically asked for in the CMC Summary Note and it would have been helpful to the Council had I set out this point. However, providing a list of those who were notified of an appeal/appeal arrangements is standard practice and was a matter raised by the Applicant at the CMC. Even so, the omission of not providing a list does not amount to unreasonable behaviour, even if that list was provided on the first day of the Inquiry, as was the case here.
10. The site notices were also displayed shortly after the CMC and photographs were provided of their location as set out in my CMC Summary Note. Whilst it would have been clearer to the public if all of the dates of the Inquiry had been referred to on the notice, the opening date was included and interested persons would likely have had sufficient time to make arrangements to attend the Inquiry.
11. In term of the press advert, I appreciate that there are cut off dates for publication in the local press. Mindful of this, and the date of the first day of the Inquiry was the reason that I asked for this to be done immediately in my CMC Summary Note. The Chichester Observer is a weekly newspaper, and whilst I appreciate that the date of the CMC Summary Note may have missed the deadline for that week's newspaper, I have no cogent evidence to indicate why the press notice could not have been included in the following week's publication. To have a press notice published more than 2 weeks after it was requested advising that an Inquiry was being held 5 days

later (including the weekend) does not to my mind demonstrate reasonable behaviour on the part of the Council.

16. I appreciate that Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) does not specify any time periods in relation to the publication of a notice in a newspaper circulating in the locality. However, Rule 10 (6) of The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000 (Inquiry Rules) sets out that where the Secretary of State requires the local planning authority in writing to publish a notice of the Inquiry in one or more newspapers circulating in the locality that this should be for 'not less than 2 weeks'.
17. In my judgement, the time period between the press notice and the opening of the Inquiry was so short that interested parties who may have wished to attend it would have been prejudiced, given the time period for them to make arrangements to attend.
18. The delay in getting the press advert published, whilst unlikely to be deliberate, and not adhering to the timeframes set out in the CMC Summary Note was a contributory factor in the adjournment of the Inquiry. Whilst the Council suggested alternatives to adjournment, which was helpful, ultimately, I made the decision that in the interests of natural justice and fairness that I could not proceed as suggested and had to therefore adjourn. As such I find that this amounts to unreasonable behaviour.
19. The Council is correct that the delay in resuming the Inquiry had nothing to do with it. That was down to the availability of myself. The Council has not acted unreasonably in this regard. But the adjourned Inquiry and the time lapse to the previously scheduled February resumption of it would have involved, in any event a refreshment of the Applicant's case.
20. In conclusion, for the reasons set out above, I find that unreasonable behaviour of the Council has been demonstrated. The Applicant's teams presence on the 9 December, other than their openings was unnecessary expense, as was their preparation for the December dates.

Costs Order

21. 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 Mr M W Goddard the costs of the appeal proceedings described in the heading of this decision, limited to those costs incurred in attending the Inquiry on 9 December 2025, other than in respect of the openings and the preparation of the Applicant's case; such costs to be assessed in the Senior Courts Costs Office if not agreed. 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.

RC Kirby

INSPECTOR