



Costs Decision

Site visit made on 25 August 2026

by L Perkins BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 September 2026

Costs application in relation to Appeal Ref: APP/P1425/X/24/3355814 Hazel View, Jackies Lane, Newick BN8 4FB

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr John Willett for a full award of costs against Lewes District Council.
 - The appeal was against the refusal of a certificate of lawful use or development (LDC) for:
"Use of land for landscaping business and recreational purposes."
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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, 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.
3. A local planning authority should give the applicant written notice of its decision on an LDC application within 8 weeks¹. In this case, the decision took over 2 years. I appreciate this is a long time. But beyond the 8-week deadline, the applicant could have exercised their right to appeal against non-determination, rather than wait. Whilst the delay experienced may be unreasonable, it has not been demonstrated that it led to the applicant incurring unnecessary or wasted expense in the appeal process.
4. Moreover, the Council has not been helped by the nature of the information provided. As I have found in my appeal decision, the information provided is either contradictory, insufficiently precise and unambiguous, not relevant or not helpful. Matters are further complicated significantly by the fact that the appeal site is covered by an active enforcement notice, which the applicant did not appeal, which seems to attack items the applicant now claims to be lawful.
5. I appreciate that the PPG states that if it is clear that the local planning authority will fail to determine an application within the time limits, it should give the applicant a proper explanation. But based on the PPG, the local planning authority may be at risk of an award of costs for such delay only if the appeal is against non-determination and the Inspector concludes that there were no substantive reasons to justify delaying the determination and better communication with the applicant would have enabled the appeal to be avoided altogether. That is not the situation in this case, particularly in light of the nature of the information provided.

¹ Article 39(10) of The Town and Country Planning (Development Management Procedure) (England) Order 2015

6. The applicant states that incorrect plans have been shown on the website. Be this as it may, it has not been explained how this has caused the applicant to incur unnecessary or wasted expense.
7. Regarding concerns about the time taken for correspondence to be replied to and the applicant's requests for a meeting, this reflects a fundamental misunderstanding about where the burden of proof lies in an LDC application. It is the applicant, not the Council, who is responsible for providing sufficient information to support an LDC application and that information needs to be precise and unambiguous. Moreover, there is no evidence the Council has withheld any information it may hold about the planning status of the land in this case.
8. The applicant complains that at no time has any evidence been provided by the Council to contradict the information submitted to support the LDC application. Be this as it may, it makes no difference given that the LDC application information is imprecise and ambiguous in any event, as I have set out in my appeal decision.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

L Perkins

INSPECTOR