



Costs Decision

Site visit made on 24 June 2019

by Rajeevan Satheesan BSc PGCert MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th July 2019

Costs application in relation to Appeal Ref: APP/Q1445/W/19/3223788 51-53 Church Road, Hove BN3 2BD

- 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 Bacon on behalf of Perth Securities for a full award of costs against Brighton & Hove City Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for approval of details required by conditions 2 (cycle parking) and 5a (asbestos survey) of a grant of prior approval Ref 2018/00551 granted on 15 June 2018 for the change of use of the lower ground, ground, first and second floor from office (B1) to 12 residential units (C3).
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Decision

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

Reasons

2. 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. To be successful, an application for costs needs to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense in order to be successful. Parties in the appeal process are normally expected to meet their own expenses, and costs may not be claimed for the period during the determination of the planning application.
3. The applicant considers, that the Council has failed to discharge these conditions within 6 months of the date by which a decision was due. It is also stated that the deemed approval process was not open to the applicant as one of the conditions applied to an environmental matter.
4. The application was not determined by the Council and had been registered with it for some months before the appeal was registered. Whilst I appreciate that this must have caused the applicant some concern, I find no substantive evidence to conclude that the appellant incurred any additional expense as a result of this delay.
5. In lodging the appeal, the Appellant's case is straightforward in so far as they state they had already produced an asbestos survey for the property during the course of the original prior approval application and they have also re-submitted the proposed block plan showing the proposed cycle parking spaces. Therefore, the appeal process has not involved any extra assessment. In effect

the Appellant has quickly and easily re-submitted the same documents that was submitted during the course of the application without wasting expenditure.

6. As a result, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

R Satheesan

INSPECTOR