
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: 22nd July 2019

Costs application in relation to Appeal Ref: APP/Q1445/W/19/3224736 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 external alterations only in association with change of use from B1 offices to 12 residential units as permitted by Prior Approval BH2018/00551.
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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 determine the application in a timely manner leaving the applicant with no option but to make an appeal for non-determination.
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 applicant has submitted the same documents that were lodged with the Council at the application stage. Therefore, the appeal process has not involved any extra assessment, and I find no substantive evidence that the appellant incurred any additional expense as a result of this delay.

6. As a result, I do not agree that the Council has acted unreasonably or that the applicant was put to unnecessary or wasted expense.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

R Satheesan

INSPECTOR