



Costs Decision

Site visit made on 13 August 2019

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 September 2019

Costs application in relation to Appeal Ref: APP/Z1775/W/18/3208858 19 Powerscourt Road, Portsmouth PO2 7JE

- 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 Alex Venables for a full award of costs against Portsmouth City Council.
 - The appeal was against the refusal of planning permission for what the planning application form describes as 'Change of use from purposes falling within Class C3 (Dwellinghouse) to a 8 bedroom house in multiple occupation (sui-generis)'.
-

Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, 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. The applicant considers that the Council acted unreasonably because they contend that the application met all relevant requirements and guidance, would provide an exceptional level of development, and was put to committee with a recommendation for approval with all matters such as parking and transport, amenity and space all being accepted and with no adverse complaints from relevant parties. The applicant therefore considers that refusing the application resulted in wasted time and unnecessary expense with submitting the appeal and lost rental income.
4. I have noted the recommendation of the Council's Officers at Planning Committee and that consultees such as the Private Sector Housing team did not object to the development. However, Members are not required to accept the advice of Officers or consultees so long as a case can be made for the contrary view. Following the Committee's determination to refuse the planning application, the Council issued its Decision Notice. That sets out the reason for refusal, which is clear, relevant to the application and based on conflict with the development plan and relevant guidance. The Council's appeal statement then substantiated the reason for refusal.
5. In dismissing the appeal I found that, despite the property providing adequate internal space and a safe environment with sufficient facilities, it would not provide an acceptable standard of living environment for residents, with particular regard to natural light and outlook. The appeal proposal does not therefore accord with the development plan and relevant guidance, and this

indicates that the refusal of permission by the Council was not an unreasonable act of itself.

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

Tobias Gethin

INSPECTOR