



Costs Decision

Site visit made on 8 November 2022

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 DECEMBER 2022

Costs application in relation to Appeal Ref: APP/D1590/W/22/3290488 208A York Road, Southend-On-Sea SS1 2RX

- 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 Nunn for a full award of costs against Southend-on-Sea Borough Council.
 - The appeal was against the refusal of planning permission for the change of use from 6-person House in Multiple Occupation (use class C4) to 8-person House in Multiple Occupation (Sui Generis).
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Decision

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

Reasons

2. Planning Policy Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The applicant contends that the Council's Committee acted unreasonably by refusing this application against the recommendation of the case officer without providing any justification or reasoning for doing so. The applicant states that, as a consequence, this has resulted in unnecessary wasted costs in pursuing an appeal.
4. PPG indicates that local planning authorities will be at risk of an award of costs being made against them if they fail to produce evidence to substantiate each reason for refusal. In this case I have noted the recommendation of the Council's Officers. However, some of the relevant policies allow for judgement to be applied.
5. The Council Members in this case were entitled not to accept the professional advice of Officers so long as a case could be made for the contrary view. The impact of additional occupiers on the shared facilities within the property, which was the sole issue in dispute, is a matter of judgement and the Council has produced substantive planning reasons to support its decision. Whilst I have not agreed with the Council's analysis in relation to the refusal reason, the Council nonetheless produced clear reasoning backed up by reference to current planning policies.
6. Furthermore, the Council has responded in a timely and complete manner at each stage of the appeal process to the matters raised by the appellant

ensuring that there is no undue procedural delay in the determination of the appeal.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

B Pattison

INSPECTOR

