



Costs Decision

Site visit made on 18 October 2022

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st February 2023

Costs application in relation to Appeal Ref: APP/D1780/W/21/3283829 Allport House, Princes Street, Southampton SO14 5RP

- 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 A Bajar for a full award of costs against Southampton City Council.
 - The appeal was against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a change of use of first floor of building in Class B1(a) (offices) to a use falling within Class C3 (dwellinghouses).
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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.
3. The Council included a reason for refusal in their decision notice, relating to noise, with regards to the prior approval application which came before me at appeal, which sought prior approval for an office-to-residential scheme. The Council did not include noise as a reason for refusal in their decision notice which related to an outline application for a hotel on the same site. The same noise report, with the same suggested mitigation measures, was submitted for both schemes.
4. As explained in detail in the associated appeal decision, the Council were correct to refuse to grant prior approval on noise grounds, for the office-to-residential proposal. Hence, the Council have not behaved unreasonably with respect to their handling of the office-to-residential proposal. As the Council have not behaved unreasonably, no unnecessary or wasted expense in preparing a defence in relation to noise for the appeal has occurred.
5. The Council has provided some analysis comparing and contrasting the nature and formal application processes of the 2 schemes, in the context of the applicant's opinion that the Council has been inconsistent in its decision making. Given that I have found above that the Council have not behaved unreasonably, there is no need to consider these matters in any further detail. I therefore make no further comments on these matters.

Conclusion

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated. Accordingly, I determine that the costs application should fail, and no award is made.

Alexander O'Doherty

INSPECTOR