



Costs Decision

Site visit made on 7 September 2023

by David English BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2023

Costs application in relation to Appeal Ref: APP/A4520/W/23/3323713 38 Baring Street, South Shields, South Tyneside NE33 2DR

- 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 Beaumont & Partners Ltd for a full award of costs against South Tyneside Council.
 - The appeal was against the refusal of planning permission for change of use from Bed and Breakfast (Use class C1) to 10-bedroom HMO (Use class Sui Generis).
-

Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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 applicant seeks a full award of costs claiming substantive unreasonable behaviour by the Council in respect of the evidence provided to justify its reason for refusal. The PPG indicates that local planning authorities will be at risk of an award being made against them if they fail to produce evidence to substantiate each reason for refusal.
4. While the Planning Committee did not agree with the Officer recommendation, the reason for refusal identifies the Council's concerns in respect of the management of the location and proliferation of larger houses in multiple occupation (HMOs) in this part of the Borough. Having regard to the requirement set out in section 38(6) of the Planning and Compulsory Purchase Act 2004, this form of development must be determined in accordance with Policy DM4 of the South Tyneside Local Development Framework Development Management Policies (December 2011). The reason for refusal clearly references the relevant development plan policy, with which the Council consider the proposal would be in conflict, and this is confirmed in the minutes of the Planning Committee meeting.
5. The detailed concerns about activity said to be associated with the occupiers of HMOs in the area are explained in the representations from nearby residents. The Council's Community Protection Service Lead raises several specific concerns, and the Police Designing Out Crime Officer identifies local problem-solving efforts in respect of HMOs and has sought to present evidence, albeit of a general nature, identifying an established link between shared residential accommodation and anti-social behaviour. Concerns about the possible effects

of granting planning permission for the development are also expressed in direct and cogent terms in the requests from serving and previous elected Members to have the planning application presented to the Planning Committee for determination. Elected Members would be mindful of each of the matters raised when making their decision.

6. The subject matters raised in many of the representations are sensitive and complex. Elected Members are entitled to attribute appropriate weight to the wide-ranging and extensive number of representations made to them and, in this case, those Members will have had regard to all the information given to them and their own local knowledge and appreciation of the general scale of anti-social and criminal behaviour in the area, which is generally at the heart of the Council's concern here. It is made clear in the Council's Statement of Case that the decision to refuse planning permission is rooted in the substance of representations and the responses from consultees.
7. It is not the case that no evidence has been presented by the Council to justify its objection to the development. On the contrary, there is a substantial amount of evidence expressing particular local concerns from various sources about a proliferation of HMOs in South Shields, and the cumulative impacts this can have on the local community. Notwithstanding my decision on the appeal, I do not find it unreasonable for the Council to have reached the conclusion it did based on its development plan policy and the totality of matters raised, to which it was required to give due regard and to which it was entitled to apportion the weight it considered appropriate having regard to all relevant matters.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

David English

INSPECTOR