



Costs Decision

Site visit made on 9 January 2024

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2024

Costs application in relation to Appeal Ref: APP/Q1445/W/23/3327631 26 Glebe Villas, Hove, Brighton and Hove BN3 5SN

- 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 Steve Leung for a full award of costs against Brighton and Hove City Council.
 - The appeal was against the refusal of planning permission for the change of use from existing dwelling (C3) to dual use as either dwelling (C3) or a six bedroom small house in multiple occupation (C4).
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Decision

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

Reasons

2. The Planning Practice Guidance 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 appellant's claim for costs relies on that the committee refused the application against officer's advice based on misinformed conjecture and obstruction which the appellant considers was unreasonable.
4. The Council originally recommended approval and the Officer's Report makes a thorough assessment of the proposal. It was a matter for the Council, as decision-maker, to determine the weight that all considerations should be attributed in the overall planning balance, and this was clear within the report.
5. The committee had sight of this report and assessment during their consideration of the application and in their view the scheme was unacceptable. Whilst I have found differently the committee were not unreasonable to reach a different view when weighing up the overall planning balance.
6. The committee debated the application and considered a number of different matters. I note that there was some speculation that the proposal could be occupied by up to 12 people, even though this was not what the application proposed. Councillors sought to resolve this by imposing a condition restricting occupancy, while I have not found this to be necessary it did not form the reason for refusal.
7. While not all these matters specifically related to planning matters they did eventually formulate the Council's reason for refusal which is clear and is supported by relevant planning Policy.

8. In view of the above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, the application for costs is refused.

D Wilson

INSPECTOR