



Costs Decision

Site visit made on 27 August 2024

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th September 2024

Costs application in relation to Appeal Ref: APP/Q1445/W/23/3334901 5 Egremont Place, Brighton BN2 0GA

- 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 Patrick Eraut for a full award of costs against Brighton & Hove City Council.
 - The appeal was against the refusal of planning permission for change of use from 6-person house in multiple occupation (HMO) (C4) to 7-persons HMO (Sui Generous). (Re-submission of BH2023/01895).
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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 appellant's claim for costs relies on that the Council have not considered their Policies and guidance correctly or had regard to previous appeal decisions.
4. I have found that the percentage of HMO's would not change as a result of the proposal and as such, the mix of house types would also not change. However, while this differs from the Council's view, the Council found that the proposal would impact the living conditions of the neighbouring property that is not in use as a HMO. While I have found differently, they were not wrong to reach a different view and their reason is supported by relevant Policy.
5. In regard to the amount of communal space provided, while it is above minimum requirements the Council found that the layout would be unsuitable and inadequate for the needs of the occupiers. I have found differently but their reasoning is clear and supported by relevant Policy.
6. I recognise that the appeal process can be time consuming and expensive for appellant's, particularly small developers. I also note that the Council have previously refused permission for several schemes at different properties that the appellant owns, that have subsequently been overturned at appeal. However, in respect of these appeal decisions I do not have the full information before me and in any case each appeal is considered on its own merits and in respect of the appeal before me, while I have found differently to the Council they have defended and supported its decision against relevant Policies.

7. I also note that the Council have not visited the appeal site after the refurbishment works took place. While frustrating for the appellant, the Council were able to come to a view based on the submitted plans and described how they considered the space would not be acceptable in their view.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

D Wilson

INSPECTOR