
Costs Decision

Site visit made on 11 February 2025

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 March 2025

Costs application in relation to Appeal Ref: APP/Z1775/W/24/3351325

38 Laburnum Grove, City of Portsmouth PO2 0EP

- 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 Mrs Fei Xiaoyu for a full award of costs against Portsmouth City Council.
 - The appeal was against the refusal of planning permission for the change of use from C4 HMO to Sui Generis (8 Bedroom HMO).
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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. It is the applicant's view that in refusing the planning application, the Council acted unreasonably by failing to have proper regard to planning law and the recommendations of its own officers. However, as recognised by the applicant, in the event of a planning application being determined by the planning committee, members are under no obligation to follow the recommendations of its officers.
4. Although concise, the refusal reason relating to the amount of daylight reaching Bedroom 2 provides sufficient justification to substantiate the concerns of the planning committee. Therefore, whilst I have found the proposed development to be acceptable, it is not unreasonable for the Council to have come to a different conclusion.
5. Even if the proposed development comprises permitted development, nonetheless the applicant submitted a planning application. It is, therefore, not unreasonable that the Council determined the planning application before them. In any event, there is nothing in the Town and Country Planning Act 1990 that prevents an applicant from submitting a planning application for development which does not need planning permission, nor for the Council to determine such an application.
6. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Juliet Rogers

INSPECTOR