



Costs Decision

Site visit made on 1 April 2025

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 April 2025

Costs application in relation to Appeal Ref: APP/W4515/W/25/3359405 80 Station Road, Wallsend, North Tyneside NE28 6TD

- 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 Ryan Beaumont, Beaumont and Partners Ltd. for a full award of costs against North Tyneside Council.
 - The appeal was against the refusal of planning permission for what was originally described as the 'Change of use from Shop (Use Class E) and upper floor flat (Use Class C3) to 7 person large HMO (sui-generis) with associated internal works.'
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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 applicant is seeking a substantive award of costs under paragraph 049 of the PPG, including a failure to produce evidence to substantiate each reason for refusal on appeal; vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by objective analysis; and, refusing planning permission on a planning ground capable of being dealt with by conditions, where it is concluded that suitable conditions would enable the proposed development to go ahead.
4. The planning application was refused against the officer recommendation. A planning decision is one though of a matter of judgment and the Council Members are entitled not to accept the professional advice of their officers so long as a case can be made for a contrary view. The Council's decision was based on whether the proposal would provide suitable living conditions for its future occupiers and the effect on the living conditions of the occupiers of neighbouring properties by way of crime, fear of crime and antisocial behaviour. These are relevant planning considerations in this case.
5. The reason for refusal is itself precise, specific and relevant to the planning application, clearly explaining on what grounds the Council considered the proposal to be unacceptable. The development plan policies and the National Planning Policy Framework reference cited are also pertinent to the reason for refusal.

6. In addition, the Council's appeal statement amplifies the reason for refusal and comments on the applicant's case. While I disagree with the Council's decision, this is not a case where a contrary view could not be taken. When deciding on matters relating to living conditions, it is one that is based on a judgment that considers all of the relevant evidence that is before the decision-maker. This includes the consideration of qualitative factors, such as residents views and local knowledge.
7. In particular, Northumbria Police drew the Council's attention to a higher than average crime rate and unreported incidents in the location, and that up to 8 unrelated persons living in close proximity has the potential to result in increased demand on the police through internal tensions within the dwelling and have an impact on the nearby neighbours. While the Police did not ultimately object, in considering such a consultation response, it adequately shows that a different view could be taken from that of the Officer Report, when residents views are also considered.
8. Moreover, the nature of the evidence before the appeal from all parties was itself largely based on a qualitative assessment and it is therefore not evident why the Council should need to go further than this. Indeed, the appeal decisions that I was referred to for Houses in Multiple Occupation (HMO) development in Wallsend take this same approach. Nor is there a contradiction in the Councils' position. In relation to cumulative impacts, it stands to reason that if the Council were considered singularly over the impact on the local community, then this also extends to the combined effects with other shared and rental accommodation in the area.
9. There is less substantive evidence on the living conditions for the future occupiers issue, although less contention has been put forward over why this amounts to unreasonable behaviour on the part of the Council. Nevertheless, the reliance on one communal kitchen/lounge for up to 8 unrelated persons is not without merit as a point of concern.
10. Hence, I do not find failure to produce evidence to substantiate each reason for refusal on appeal; or, vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by objective analysis.
11. As regards the management of the proposal and the use of a planning condition, it is evident that the Council Members considered but were not swayed by limiting occupancy at 8 persons. It is not unreasonable to suggest this number may lead to living conditions concerns for neighbours, in considering the purported existing issues in the area that both local residents and the Police have raised.
12. I have also considered whether a partial award should be made, but I reach the same overall conclusion. The Council has provided sufficient evidence across all the grounds and so such an award of costs is also not justified. As I have not found unreasonable behaviour, I do not have reason to consider whether unnecessary or wasted expense has been incurred.

Conclusion

13. I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. An award of costs is not, therefore, justified.

Darren Hendley

INSPECTOR