



Costs Decision

Site visit made on 27 May 2025

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th May 2025

Costs application in relation to Appeal Ref: APP/C3810/W/24/3354162 8 Argyle Road, Bognor Regis, West Sussex, PO21 1DY

- 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 Greenwell Property Holdings for a full award of costs against Arun District Council.
 - The appeal was against the refusal of planning permission for the change of use of a two-storey terraced three bedroomed house and a workshop to a house in multiple occupation.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded where a party has behaved unreasonably, and that unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The applicant submits that the Council has acted unreasonably as personal experiences were cited related to the potential consequences of HMO provision, and furthermore planning committee Members did not put forward any evidence contrary to that contained in the professional Officer Report. In addition, despite an adjournment for further discussion with the Council's solicitor, it is contended by the applicant that Members struggled to find valid reasons to refuse the proposal. The applicant also argues the application was eventually refused in an inconsistent manner as there are previously approved HMO schemes near to the proposal. Overall, in the applicant's view, the Committee had a pre-determined mindset to the application. Consequently, the applicant asserts that there is no merit to the Council's reasons for refusal given in its Decision Notice, dated 13 September 2024, and hence a full substantive award for unnecessary and wasted costs is now sought.
4. In rebuttal, the Council contend that the final determination of Members in this case does not constitute unreasonable behaviour simply because it differs from the officer's recommendation report or the outcome of other HMO proposals.

5. Indeed, despite the applicant's concerns, even though Members sought further advice in a private session with the Council's solicitor, it is clear from the evidence presented to me that they were seeking to substantiate their reasons for refusal in this case. I have considered those reasons for refusal, which I find are complete, precise, specific and relevant to the application before me when applied against relevant planning policies.
6. Moreover, notwithstanding that other HMO schemes have been acceptable to the committee in the past, and mindful of the fact that each case should be considered on its own merits, as the Council were carrying out the normal activities associated with a planning application, I cannot agree that the Council has acted unreasonably in this specific case.
7. Therefore, I concur with the Council that the planning committee Members were entitled to come to their own view on the acceptability of the proposal when considered against relevant policies, including those contained within the National Planning Policy Framework.
8. As such, there can be no question that the applicant was put to unnecessary or wasted expense.

Conclusion

9. Therefore, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and the application is refused.

J E Jolly

INSPECTOR