



Costs Decision

Site visit made on 20 May 2025

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd July 2025

Costs application in relation to Appeal Ref: APP/Q1445/W/24/3354306

Norwood House, 9 Dyke Road, Brighton BN1 3FE

- 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 DTA Property Holdings Ltd for a full award of costs against Brighton and Hove City Council.
 - The appeal was against the refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of first, second and third floors from offices (Class E) to 6no flats (Class C3).
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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 application for an award of costs is based on the Council behaving unreasonably. The applicant claims that this arises from failing to carry out a site visit to appropriately assess the prior approval and refusing to grant approval when the technical information provided, overcame the concerns raised by the Environmental Health Officer.
4. Whilst behaviour and actions at the time of the planning application can be taken into account, it has not been demonstrated how failing to attend the site has resulted in unnecessary or wasted expense in the appeal process. Based on the evidence before me, I am satisfied that the Council considered all relevant facts and came to a reasoned decision on this basis.
5. It is noted that the technical information submitted addresses the comments of the Environmental Health Officer, this is not disputed. Whilst I can understand the applicant's concern, it is not unreasonable for the decision maker to come to a different conclusion, given that the remit of the consultee and decision maker differs. In this case, it is reasonable for the decision maker to consider the effectiveness of the proposed mitigation, including the resultant living conditions of future occupiers, given that condition MA.2(2)(d) requires consideration of the impacts of noise from commercial premises, on the intended occupiers of the development.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

V Goldberg

INSPECTOR