



Costs Decision

Site visit made on 17 June 2025

by **N Bromley BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 July 2025

Costs application in relation to Appeal Ref: APP/D1835/W/25/3361374

179 Henwick Road, Worcester, Worcestershire WR2 5PD

- 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 Kevin John Healey for a full award of costs against Worcester City Council.
 - The appeal was against the refusal of planning permission for a development described as "The proposal is to seeking planning permission convert the basement of 179 Henwick Rd. into a bedroom. This will change the use of the property from a 6 bed HMO to a 7 Bed Sui Generis use. The basement bedroom will have an En suite. A new opening will be cut into the basement wall underneath the ground-floor bay window. This opening will bring light into the space and open a view out of the room. Around the opening, the ground will be cut away for access and a retaining wall will be constructed to stabilize the ground around the opening."
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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 has set out that the Council has caused an unnecessary delay in the site refurbishment, causing costs to escalate, due to a lack of co-operation. As well as carrying out an additional 21-day consultation. It is also set out that the Council's reasons for refusal are manifestly inaccurate citing documentation that has no bearing on the planning point in question. The appellant claims that this has caused great expense due to them having to take out an additional mortgage product, as well as additional time preparing the appeal. There are therefore two points of claim. One is substantive and one is procedural. I deal with these matters in turn below.

Substantive

4. It is unclear which documentation the Council has cited which is inaccurate. Nevertheless, the Council's delegated officer report provides background to the Council's decision to refuse this application, expanding upon, and giving substantive justification for the reason for refusal. The Council gave clear reasons as to why, in its view, the proposal did not meet the requirements of development plan policies and also referred to other material considerations, including the South Worcestershire Design Guide Supplementary Planning Document and Houses in Multiple Occupation Supplementary Planning Document. A statement of case has

also been prepared by the Council, responding to relevant points made by the appellant.

5. The Council also acknowledges the previous planning permission for the 'refurbishment of existing HMO with replacement rear extension', within their delegated officer report and statement of case. The previous permission is a material consideration but despite the claims of the appellant, that development is materially different to the appeal scheme before me for a basement bedroom.
6. While I have found that the proposal would not harm the character and appearance of the area and acceptable outdoor amenity space would be provided, the appeal scheme would not provide satisfactory living conditions for the future occupants of the bedroom. Therefore, I have found that the appeal should be dismissed. Accordingly, an appeal could not have been avoided and it therefore follows that the appellant has not been put to unnecessary or wasted expense.

Procedural

7. The PPG sets out that the Council's handling of a planning application can lead to an award of costs. However, while a lack of a decision within the original prescribed time period due to the Council taking the view that a further statutory consultation period was necessary is frustrating, the stance is not unreasonable in the context of procedural fairness to all parties engaged in the planning application process. Additionally, there is nothing to suggest that the Council were not progressing the application during the additional consultation period.
8. Likewise, while it is suggested that there was a lack of communication from the Council during the course of the application it does appear that there was some dialogue between the appellant and the planning case officer. Therefore, I am not satisfied that the behaviour was unusual or unreasonable.
9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

N Bromley

INSPECTOR