



Costs Decision

Site visit made on 15 July 2025

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2025

Costs application in relation to Appeal Ref: APP/M4510/W/25/3361511

76 Shields Road, Byker, Newcastle Upon Tyne NE6 1DS

- 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 Anthony Lang for a full award of costs against Newcastle Upon Tyne City Council.
 - The appeal was against the refusal of planning permission for the change of use of upper floors from vacant offices to hotel (Floors 1 2 3 4, with ground floor commercial unit retained).
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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 submits that the Council has acted unreasonably in that it did not substantiate its reasoning, that the scheme was in accordance with the development plan and the Council had approved other similar uses. Moreover, it is put to me that the Council would rather see the building remain empty than used for a viable use. The Council has defended its position.
4. The PPG indicates that local planning authorities are at risk of an award of costs if they fail to determine similar cases in a consistent manner. However, I have not been referred to an example of a similar use sharing similar characteristics as the appeal scheme. The Police have referred to a nearby hostel which had been approved and since operating, numerous incidents have been recorded at the hostel.
5. It is not unreasonable for the Council to make an assessment on the design of the scheme, its location and proposed use and, having regard to the concerns of the Police, conclude as it did as this exercises a certain amount of subjective judgement. As such, I do not agree that the Council acted unreasonably in refusing the application on this basis. The concerns were substantiated in the appeal aided by the use of statistics, and I confirm in this regard that I have made my own assessment as to the effects of the proposed development on community cohesion, crime and disorder against the development plan. Such an assessment and decision is based on the scheme submitted and does not mean that the Council wish for the building to remain empty in favour of a viable use, as suggested by the applicant.

6. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Mr R Walker

INSPECTOR