



Costs Decision

Site visit made on 8 September 2025

by **G Bayliss BA (Hons) MA MA MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 25th September 2025

Costs application in relation to Appeal Ref: APP/Q1445/W/24/3355731

Carpark at St Andrews Church, 163 Church Road, Hove, East Sussex, BN3 2AD

- 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 Kristaps Aizupietis, Chris Carwash Ltd, for an award of costs against Brighton and Hove City Council.
 - The appeal was against the refusal of planning permission for alterations to existing hand car wash to increase the number of parking spaces from 2no to 8no and change the operating hours from 07:00-15:00 Mondays to Saturdays (as currently) to 08:00-19:00 Mondays to Sundays.
-

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 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 asserts that the Council has behaved unreasonably by refusing the application instead of attaching conditions, which the Council suggested as part of the appeal process. It is therefore claimed by the applicant that the appeal could have been avoided in its entirety.
4. The applicant suggests that the Council focussed too narrowly on the immediate surroundings of the church and failed to consider the wider area which included other shops and businesses, as well as other matters material to the application. It is therefore suggested that the Council did not use its policies fairly. The applicant also states that the Council made vague, generalised or inaccurate assertions which led to the refusal.
5. It is standard practice in the appeal process that Councils are asked to provide a list of conditions in the event that the appeal is allowed. The Procedural Guide: Planning Appeals: England (2015), states that the fact that conditions are suggested does not mean that the appeal should be allowed and planning permission granted. I have considered the Council's suggested conditions in my decision and concluded that, for the reasons given, conditions would not resolve the issues raised or make the development acceptable.
6. The reasons for the refusal set out in the Council's decision notice are complete, precise, specific and relevant to the application. It also clearly states the policies of the Development Plan that the proposal would conflict with. These reasons have

been adequately substantiated by the Council in its officer report and statement of case. These documents explain how the proposal would harm the significance of heritage assets and has the potential to harm the amenity of neighbouring occupiers and highway safety. The Council was correct to focus on the immediate area around the church given the statutory duty that I have described in my decision, and it was necessary to take account of likely disturbance to nearby neighbours. Account was also taken of the site's relationship with the wider area, and I am not aware of any issues which have not been addressed. The applicant may not agree with the Council's decision, but I see no evidence that it did not use its policies fairly or that it made vague, generalised or inaccurate assertions. I therefore do not find any grounds for unreasonable behaviour.

7. Accordingly, whilst I appreciate that the outcome of the appeal will have been a disappointment to the applicant, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision. The appellant had to address those concerns and the evidence of third parties in any event.
8. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is therefore not justified.

G Bayliss

INSPECTOR