



Costs Decision

Site visit made on 11 November 2025

by **P Burley BA (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th November 2025

Costs application in relation to Appeal Ref: APP/Q1445/W/25/3369410 62 Albion Hill, Brighton BN2 9NX

- 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 Dragonfly Architectural Services Ltd for a full award of costs against Brighton & Hove City Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period of a decision on an application for consent, agreement or approval to details required by a condition of a planning permission.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

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. In its Statement of Case and the associated documents (specifically the 'Officer report if determined') the Council has said that the applicant did not satisfy the LPA that the removal of all the existing tiles would have been acceptable in relation to the non-designated heritage asset.
4. The Council has said that the applicant was advised in respect of BH2024/00507 that approval for all of the tiles to be removed would likely not be supported without an independent survey of the structure, commissioned by the Council, at the applicant's cost. It has said that the appellant initially agreed to this but then declined to make payment. The Council has also noted that in respect of the appeal application it repeatedly requested further expertly assessed information from the applicant.
5. However, nowhere in the information before me is there an explanation as to why the Council considered information that was provided by the applicant to be inadequate or could not be relied upon, or that the author of that work was not sufficiently qualified or experienced. Furthermore, I have not been provided with any evidence to demonstrate that the Council explained to the applicant the type and extent of additional information that would have satisfied it and resulted in a decision being made.
6. Notwithstanding that I concluded that the submitted information is adequate, I find it unreasonable for the Council to maintain that insufficient information had been

provided when it had not clearly explained why it considered the submitted information to be inadequate and the extent of additional work that would have satisfied it. Had a clear justification and explanation been provided, an appeal could have been avoided altogether, or the issues to be considered could have been narrowed, thus reducing the expense associated with the appeal.

7. During the appeal process and following the deadline for final comments the applicant submitted, of its own volition, further information. Whilst I carefully considered that information and the Council's response, my decision did not turn on any of the information that was provided. Therefore, this award does not relate to any costs incurred by the applicant in respect of any submissions made following its final comments which were submitted to the Planning Inspectorate on 11 October 2025.

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Brighton & Hove City Council shall pay to Dragonfly Architectural Services Ltd, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in preparing and submitting the appeal up to and including the final comments; such costs to be assessed in the Senior Courts Costs Office if not agreed.
9. The applicant is now invited to submit to Brighton & Hove City Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

P Burley

INSPECTOR