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## Costs Decision

Site visit made on 3 November 2025

by **Ryan Cowley MPlan (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 November 2025

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### **Costs application in relation to Appeal Ref: APP/M4510/W/25/3370796**

#### **42 Melville Grove, High Heaton, Newcastle Upon Tyne NE7 7AR**

- 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 Bobby Vij, on behalf of Bobby Vij and DKV Holdings Ltd, for a full award of costs against Newcastle Upon Tyne City Council.
  - The appeal was against the refusal of planning permission for change of use from a single, use class C3, dwellinghouse (with approved extension 2021/0488/01/DET substantially completed) to a single large house in multiple occupation (sui generis HMO).
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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. Local planning authorities are required to behave reasonably in relation to procedural matters at the appeal and with respect to the substance of the matter under appeal. Examples of unreasonable behaviour may include preventing or delaying development which should clearly be permitted, failure to produce evidence to substantiate each reason for refusal or vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. The applicant for costs maintains that the Council has behaved unreasonably by not applying the relevant legislation and statutory instruments correctly, particularly in respect of its interpretation of The Town and Country Planning (Use Classes) Order 1987. The applicant considers the Council to have demonstrated nothing tangible in opposition to the proposal and contends that the decision was made on the back of local objections and exaggerated Police concerns.
5. In the first instance, for a determination in respect of whether the proposed change of use would in this case be lawful without planning permission then the correct procedure would have been to apply for a lawful development certificate under section 192 of the Town and Country Planning Act 1990. Had such a certificate been issued, then this would have been material to the decision.
6. While the distinction between a 6-person house in multiple occupation (HMO) and 7-person HMO has been heavily focussed on in the evidence, the proposal before

the Council was for the change of use of the property from a use class C3 dwellinghouse to a large sui-generis HMO for 7-persons. Whether or not there is a legitimate fallback position pursuant to the property's permitted development rights is a material consideration, which the Council acknowledged in their evidence. As set out in my decision however, I agree with the Council that the fallback position in this case does not outweigh the identified harm and development plan conflict.

7. Ultimately, the Council assessed the application on its own merits and in accordance with its statutory duties. The reasons for refusal are set out clearly in the Council's decision notice. Further justification is provided in the Council's officer report and subsequent appeal statement, with reference to local and national planning policy and guidance, and material planning considerations. Local planning authorities must also have regard to representations received from consultees and interested parties on an application, however there is no substantive evidence to indicate that the Council was unduly influenced by these in this case.
8. It will be seen from my decision that I agree with the Council's judgement with regard to the substance of the matter under appeal and I consider there were sufficient grounds for refusing planning permission. I therefore do not find that the Council has acted unreasonably in respect of this matter. As such there can be no question that the applicant was put to unnecessary or wasted expense as a result.

### **Conclusion**

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

*Ryan Cowley*

INSPECTOR