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## Costs Decision

**by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 December 2025

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### **Costs application in relation to Appeal Ref: APP/D1590/X/24/3353237**

#### **76 Park Road, Westcliff-on-Sea, Essex SS0 7PQ**

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
  - The application is made by H4 Property Limited for a full award of costs against Southend-on-Sea Borough Council.
  - The appeal was against the refusal of an LDC for use of dwellinghouse as 7 no. self-contained residential units.
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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. Parties to an appeal are bound by case law, where it is relevant. The Appellant's Agent and the Council referred to case law in their appeal submissions and specifically to those cases that supported their positions. The fact that the Council did not refer to all of the cases mentioned by the Agent in their submissions was not unreasonable.
4. The case rests on whether, during the relevant four year period, the use of the property as serviced accommodation was materially the same use as self-contained residential units. This matter is arguable and the Council did not act unreasonably in claiming that there is a material difference between the two uses and that, therefore, the use as self-contained residential units was not immune from enforcement action. The Council adequately articulated this argument in their appeal submissions and the previous appeal decision referred to by them was not irrelevant.
5. The Council has not acted unreasonably and the Appellant has not therefore wasted expense. An award of costs is not thus justified.

***John Braithwaite***

Inspector