
Costs Decision

Site visit made on 2 December 2025

by **C Livingstone MA(SocSci) (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 December 2025

Costs application in relation to Appeal Ref: APP/M4510/W/25/3373018

7 Saint Oswalds Green, Walker, Newcastle Upon Tyne NE6 4AF

- 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 Kidscape Living Ltd for a partial award of costs against Newcastle Upon Tyne City Council.
- The appeal was against the refusal of planning permission for change of use of a house (Class C3a) to a children's home, for up to three children, with a manager and two carers, who will sleep overnight, working on a rota basis (Class C2).

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 PPG advises that, irrespective of the outcome of the appeal, costs may only 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.
4. The PPG makes it clear that a local planning authority is at risk of an award of costs if it fails to produce evidence to substantiate each reason for refusal on appeal and/or makes vague, generalised, or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis. The Council must clearly demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence to substantiate that reasoning.
5. The applicant cites unreasonable behaviour on the part of the Council in refusing permission without substantive evidence of harm, disregarding the professional advice of consultees, misapplying planning policy, ignoring relevant case law and relying on speculative or non-material objections.
6. While it is acknowledged that the Council's transportation development team did not raise concerns in regard to the appeal scheme, their assessment was focused on the effect of the proposal on highway safety and parking provision. An absence of concern in this regard is not a determining factor in the assessment of the effect of the change of use on noise and disturbance. This also applies to responses from other consultees, none of which provided a specific assessment of the effect of the movements of individuals to and from the building.

7. While the Council referred to the comments of the occupants of neighbouring dwellings within its decision, its assessment was not based solely on their objections. The effect of the proposed change of use on the living conditions of neighbours in terms of noise and disturbance is a matter of planning judgement; and within their delegated report the Council provided a clear and reasoned justification for its decision, which was based on policies within its current development plan.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

C Livingstone

INSPECTOR