
Costs Decision

Site visit made on 12 November 2025

by **E Pickernell BSc MSC MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 December 2025

Costs application in relation to Appeal Ref: APP/X3405/W/25/3364510

21 Stafford Road, Cannock, Staffordshire WS11 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 Mr Jassy Sidhu for a full award of costs against Cannock Chase District Council.
 - The appeal was against the refusal of planning permission for change of use of a former British Legion Club to a large 14-bedroom HMO.
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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, 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 applicant claims that the Council has behaved unreasonably for substantive reasons relating to the merits of the appeal, by preventing or delaying development which should clearly be permitted and by making vague, generalised or inaccurate assertions about the proposal's impact which is unsupported by any objective analysis.
4. The application was recommended for approval by Council officers, but this recommendation was overturned by the planning committee. The minutes of the meeting set out the reasons for this, which are accurately reflected in the decision notice. This does not in itself constitute unreasonable behaviour.
5. The first refusal reason contends that because of the intensity of the proposed use of the building, residential amenity would be harmed. The Council's statement sets out that these concerns relate to the lack of shared facilities available for future residents, due to the absence of a separate shared lounge and any shared facilities on the first floor. It does not appear that the Council have any guidance in respect of what an appropriate level of shared facilities would be and as such this is a matter of planning judgement. Whilst I have adjudged the proposed shared facilities to be sufficient for the proposed number of residents, the Council have substantiated this reason for refusal and coming to a different conclusion, does not indicate unreasonable behaviour.
6. The second refusal reason relates to the impact of noise from the proposed shared garden area upon the living conditions of neighbouring occupiers. The appellant

contends that this matter was covered by the submitted Noise Impact Assessment Report¹. However, the report addresses the impact of existing noise upon future occupiers of the appeal site, as opposed to the impact of the proposed development on existing occupiers. Although the comments from the Environmental Protection consultee did not object to the proposal, they did not specifically address the matter of noise from residents utilising the rear garden. As such, although I have come to a different conclusion, the Council did not behave unreasonably in coming to a judgement on this matter.

7. The third refusal reason asserts that the proposal would exacerbate incidents of anti-social behaviour within the immediate area. Limited evidence has been submitted which demonstrates why this would be the case. As such this contention is vague and unsubstantiated by any convincing reasoning.
8. Furthermore, I have been provided with three previous appeal decisions for a House in Multiple Occupation (HMO) at the site, each with a greater number of bedrooms than the appeal scheme would provide. The Inspectors deciding these appeals all considered that there was no substantive evidence to support the view that a HMO in this location would result in anti-social behaviour, crime, a fear of crime or harm in respect of social cohesion. The concerns in previous appeals related to potential conflict arising from the lack of on-site parking, whereas the concerns in respect of the current appeal are expressed in more general terms. However, the appeal decisions nevertheless highlighted the need to substantiate such concerns through clear, objective analysis.
9. Consequently, in asserting that the proposal would result in anti-social behaviour, without clear evidence or objective analysis, the Council has behaved unreasonably. As a result of this behaviour the applicant has incurred expense because of the necessity to include sections in the appeal statement and final comments documents which address these matters.
10. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred in respect of contesting the Council's third reason for refusal in respect of anti-social behaviour and a partial award of costs is therefore warranted.

Costs Order

11. 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 Cannock Chase District Council shall pay to Mr Jassy Sidhu, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in contesting the Council's third reason for refusal; such costs to be assessed in the Senior Courts Costs Office if not agreed.
12. The applicant is now invited to submit to the 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.

E Pickernell INSPECTOR

¹ Noise Air Acoustics and Air Quality, 28 January 2025, ref: P9113-R1-V1