



Costs Decision

Site visit made on 15 December 2025

by **C Housden BSc(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27th February 2026

Costs application in relation to Appeal Ref: APP/Q1445/W/25/3373994

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 Viktorija Garskaite of Dragonfly for a full award of costs against Brighton & Hove City Council.
 - The appeal was against the refusal of planning permission for renovation of existing public house (sui generis) including internal alterations to the existing first floor ancillary landlords/Managers accommodation (sui generis) with part demolition and erection of ground floor and first floor extensions, replacement windows and doors, facade alterations, roof alterations including raising the roof ridge height and all associated works without complying with conditions attached to planning permission ref BH2024/00507, dated 6 June 2024.
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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 (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 Council's refusal is predominantly based on it not considering that sufficient "additional expertly assessed information"¹ was submitted to support the rationale for the variation of the conditions.
4. The application was supported by a range of reports, of particular note is the Visual Structural Survey Report (2022) and letter (2024) by Crouch Consulting Engineers². This evidence is conclusive in its assessment that the building is in a poor state of repair and is not suitable for habitation. It demonstrates that critical structural elements of the building needs replacing and rebuilding, including the structural steel and significant sections of the external walls.
5. No robust analysis or critique is provided by the Council as to why it considers this evidence to be deficient or not undertaken by a suitably qualified individual. The Council having already seen the report as part of the original application is inadequate justification to require the submission of further evidence without substantive reasoning. The Council's position is therefore unduly reliant on vague and generalised assertions which fails to substantiate the reason for refusal. This amounts to unreasonable behaviour as defined within the PPG. Unnecessary

¹ Paragraph 10 of the Statement of Case

² Authored by an individual with the following qualifications/memberships: BSc (Hons) CEng MIStructE MICE

expense has therefore been incurred by the applicant in lodging the appeal to contest the reason for refusal.

Conclusion

6. For the reasons given above, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs is therefore warranted.

Costs Order

7. 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 Viktorija Garskaite of Dragonfly, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
8. 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.

C Housden

INSPECTOR