



Costs Decision

Site visit made on 28 January 2026

by **E Worley BA (Hons) Dip EP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 March 2026

Costs application in relation to Appeal Ref: APP/Z1775/W/25/3373778 66 Wadham Road, Portsmouth PO2 9EE

- 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 J Legge for a full award of costs against Portsmouth City Council.
 - The appeal was against the refusal of planning permission for the change of use from dwellinghouse (Class C3) to 8 bed/8 person House in Multiple Occupation (sui generis).
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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. In this instance, the applicant alleges unreasonable behaviour by the Planning Committee both on procedural and substantive grounds, including preventing or delaying development that should clearly have been permitted; failure to produce evidence to substantiate reasons for refusal; ignoring relevant professional advice and not determining similar cases in a consistent manner.
4. While I note the recommendation of the Council's Officers in this case, Members of the Planning Committee were entitled not to accept the professional advice of officers, including the Highway Authority, so long as a case could be made for the contrary view.
5. The Council's first refusal reason alleges harm to the living conditions of the occupiers of neighbouring properties, who are identified as having protected characteristics under the Equality Act 2010. However, the Council's brief appeal submissions fail to provide any objective analysis of the specific effects of the additional occupants at the appeal property and how this would give rise to disturbance, and the effect this would have on the living conditions of the occupiers of the neighbouring properties, having regard to their protected characteristics.
6. In addition, Members of the Planning Committee alleged harm to highway safety and parking stress by virtue of increased parking demand associated with the change of use. Nonetheless, this was in the absence of a detailed analysis of the actual effects of the development having regard to the current situation and the very modest increased shortfall in parking provision. For these reasons, the Council's appeal submissions failed to demonstrate, through a well-reasoned

argument or detailed evidence, that the proposal would have an adverse effect on parking stress or harm highway safety so as to substantiate its refusal reason.

7. The parties agree that the impacts on the European sites could be addressed through a Section 111 agreement, which had already been submitted as part of the application. Although the refusal reason was a technical one, the application was refused due to other concerns regarding the impact of the development, so the appeal could not have been avoided altogether. Furthermore, no additional costs have been incurred as a result of this refusal reason.
8. While I appreciate the application was refused for similar reasons to others for developments of a similar description, on the same committee agenda, I cannot be certain that the actions of the Members of the Planning Committee were politically motivated or that they predetermined the applications. Moreover, the alleged failure to accord with the Council's own Code of Conduct is a separate matter.

Conclusion

9. I have found in favour of the applicant in relation to the effects of the development upon highway safety and parking stress, as well as the living conditions of the occupiers of neighbouring properties and that the Council did not present a suitably substantiated case in support of why they felt that the proposal was unacceptable in these regards. I therefore find that unreasonable behaviour by the Council, resulting in unnecessary and wasted expense, as described in the PPG, has been demonstrated and that an award of costs is justified.

Costs Order

10. 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 Portsmouth City Council shall pay to Mr J Legge, 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.
11. The applicant is now invited to submit to Portsmouth 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.

E Worley

INSPECTOR