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## 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**

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### **Costs application in relation to Appeal Ref: APP/Z1775/W/25/3373780**

#### **1 Munster Road, Portsmouth PO2 9BS**

- 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 A Reynolds on behalf of VBR Property Limited 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 a 7-bed/7-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. 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; and ignoring relevant professional advice.
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. Despite the very modest increase in the shortfall of parking spaces required to serve the development, when compared to the existing use as a dwellinghouse, 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. However, the Council failed to provide any clear reasoning as to how harm would arise, including evidence of existing parking difficulties in the area, such as a kerbside parking survey, that it alleged would be exacerbated by the proposal. Consequently, 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.
6. 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.

7. 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**

8. I have found in favour of the applicant in relation to the effects of the development upon highway safety and parking stress 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**

9. 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 A Reynolds on behalf of VBR Property Limited, 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.
10. 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