
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: 06 March 2026

Costs application in relation to Appeal Ref: APP/Z1775/W/25/3373781

Auckland House, 55 St Ronans Road, Southsea, Portsmouth PO4 0PP

- 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 M Taylor 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 a care home (Class C2) to a 12 bed/12 person house in multiple occupation (Sui Generis), external alterations to include excavation of lightwell to basement at front elevation.
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Decision

1. The application for an award of costs is allowed, in part, 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. 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 effects of the development having regard to the parking demand associated with the proposed use as a House in Multiple Occupation, when compared to that of the care home use, including the provision of parking permits. 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 first refusal reason.
6. While it will be seen from my decision that I have reached a different conclusion to the Council in relation to the second and third refusal reasons, the quality of living space, in relation to light and outlook, is a matter of planning judgment, which in turn, had implications in terms of the stance taken by the Planning Committee in

relation to the size of Bedroom 12. The Council's appeal submissions provided some analysis of the impact of the proposal in those regards, albeit limited, to enable an understanding of their case. As such it has not acted wholly unreasonably with respect to these refusal reasons.

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 technical, 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 Committee Members 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 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 a partial award of costs relating to this aspect only, is justified. The Councils' behaviour in relation to the other refusal reasons, in this case, was not unreasonable.

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 M Taylor, the costs of the appeal proceedings described in the heading of this decision limited to the costs incurred in relation to the first refusal reason only; 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