
Costs Decision

Site visit made on 13 January 2026

by **T C King BA(Hons), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 June 2026

Costs application in relation to Appeals Ref: APP/Q1445/W/25/3374437 and APP/Q1445/Y/25/3374433

49 Rock Street, Brighton, BN2 1NF

- 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 Jonathan Hiscock for an award of costs against Brighton & Hove City Council.
 - The appeal was against the failure of the Council to issue notices of their decision within the prescribed period of applications for both planning permission and listed building consent.
-

Decision

1. The application is refused.

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 is of the view that the determination of the applications were unnecessarily delayed. Indeed, I must here sympathise with the applicant as to the fact that the responsible case officer did not make a site visit to allow for an assessment to be made as to the merits and impacts of the proposed works. In the event the appeals were made on the basis of the applications' non-determination following the expiry of the prescribed period, although case reports for both the applications were subsequently produced.
4. Nonetheless, for the reasons set out in my main decision letter, my overriding concern relates to the limited specific details as to the implications of the proposed works at the appeal site. I note that the applicant makes reference to the Wykamol cavity membrane system as being an effective and acceptable method but I consider it insufficient to attach such a degree of support to the proposal by citing other local examples of vaults being converted and presumably treated to address problems relating to damp.
5. This does not automatically mean that such works will be acceptable or appropriate in all cases. Accordingly, I reached the conclusion that more detailed information is required in an attempt to safeguard the conservation of this Grade I listed heritage asset, with its particular status and considerable importance.

6. In the circumstances, and taking all factors together, I am of the view that, even if the Council had dealt with the applications sooner, an appeal would still have ensued.
7. I must, therefore, conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described by the PPG, has not been demonstrated. Accordingly, no award of costs is justified here.
8. The application is thereby refused.

T C King

INSPECTOR