Planning Inspectorate

Costs Decision

Site visit made on 15 September 2026

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 November 2026

Costs application in relation to Appeal Ref: APP/Q1445/X/25/3361865
Annexe, 1A Warmdene Way, Brighton BN1 8NW

- The application is made under the Town and Country Planning Act 1990 (as amended) (The Act), sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
- The application is made by Mr Robert Walters for a full award of costs against Brighton and Hove City Council.
- The appeal was against the refusal of a certificate of lawful use or development (LDC) for use of detached building as a separate dwellinghouse (C3 use class)

Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance 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 did not undertake a site visit prior to issuing its decision on the LDC application and its consideration of the application was based on desk-based assessments. It is claimed by the applicant that this constituted unreasonable behaviour by the Council, as the applicant needed to provide further evidence to substantiate their case to the Council, and that an appeal could have been avoided.

4. It was not essential for the Council to carry out a site visit, and it was not unreasonable in this particular case for it to have reached the decision it did on the evidence in front of it. The Council incorrectly applied the 10-year period specified at section 171B(3) of the Act, but the dispute between the parties centred on whether a planning permission described as ‘part retrospective’ had been implemented. Neither party referred to the relevant case law in this regard. A site visit and in-person discussions would not have changed the Council’s view, removed any need for further correspondence between the parties, or avoided the appeal.

5. It has not therefore been shown that there was any unreasonable behaviour by the Council which resulted in the applicant incurring unnecessary or wasted expense in the appeal process and an award of costs is not warranted.

L Douglas

INSPECTOR