



Costs Decision

by L. Hughson-Smith LLB MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 24.04.2026

Costs application in relation to Appeal Ref: CAS-04663-K4D5H0

Site address: 28 Brynglas Road, Newport NP20 5RZ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322C and Schedule 6.
 - The application is made by Mr. Grainger Jones for a full award of costs against Newport City Council.
 - The appeal was against the refusal of planning permission for the 'change of use from a 3-bedroom dwelling (c3 use) to a 5-bedroom house in multiple occupation (c4 use)'.
 - A site visit was made on 10 March 2026.
-

Decision

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

Reasons

2. The Section 12 Annex 'Award of Costs' of the Development Management Manual ('the Annex') advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably, thereby causing the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant contends that the Local Planning Authority (LPA) was unreasonable in refusing planning permission contrary to the advice of its professional officers and without substantiating their case, thereby necessitating the submission of an appeal.
4. The Annex confirms that LPAs are not bound to adopt, or include as part of their case, the professional or technical advice given by their own officers or received from statutory consultees. However, it is also clear that they are expected to show that they had reasonable planning grounds for taking a decision contrary to such advice and that they are able to produce relevant evidence to support their decision. If they fail to do so, costs may be awarded against the authority
5. In relation to the first reason for refusal relating to highway safety, the evidence before the LPA indicates a high level of parking stress within the surrounding streets to the appeal property which was substantiated by the applicant's Parking Survey. This was further reinforced by representations from the local councillor and residents, as well as an objection from the Highway Authority. Furthermore, and despite the proposal being recommended for approval in the Officer's Report, the LPA's written evidence in support of the appeal clearly set out their concerns relating to highway safety.

6. As set out in the main decision, whilst I have reached a different conclusion to the LPA, disagreeing with them that the proposal would materially increase parking demand, this does not imply that the Council acted unreasonably. In my view, the decision to refuse planning permission was based on evidence and professional judgement. I am, therefore, satisfied that the LPA acted reasonably and substantiated the relevant reason for refusal.
7. For the reasons set out in the main decision, I found the limited and poorly configured floor space of the front two upper floor bedrooms would materially reduce their usability and quality, resulting in an inadequate level of accommodation. It, therefore, follows that I find the second reason for refusal to be substantiated and well-founded.
8. Accordingly, I find that the LPA did not act unreasonably in relation to any of the grounds advanced. The application for an award of costs is, therefore, refused.

L. Hughson-Smith

INSPECTOR