



Costs Decision

by Julie de-Courcey BSc LLB MTPI MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 05/08/2026

Costs application in relation to Appeal Ref: CAS-04803-P7G8T5

Site address: 7 Conway Road, Newport, NP19 8PA

- The application is made under the Town and Country Planning Act 1990, sections 78, 322C and Schedule 6.
 - The application is made by Wilmont Assets Ltd for a full award of costs against Newport City Council.
 - The appeal was against the refusal of planning permission for 'change of use from dwelling (C3 use) to a 4-bedroom house in multiple occupation (C4 use)'.
 - A site visit was made on 14 July 2026.
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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 Council's Houses in Multiple Occupation (HMO) Property standards were only one material consideration for the decision-maker to weigh together with planning policy and guidance. Licensing for HMOs is a separate statutory regime to an application for planning permission. Therefore, the Council was entitled to consider but depart from the advice of its Licensing and Environmental Health Officers in exercising its planning functions. Indeed, there is a specific section in the Council's Supplementary Planning Guidance on HMOs (HMO SPG) entitled '*Separate Houses in Multiple Occupation licensing and planning regimes*'.
4. The Annex confirms that Local Planning Authorities are not bound to adopt, or include as part of their case, the professional and technical advice given by their own officers. Therefore, the Council was not bound by either pre-application advice or its Officers' recommendation to approve the planning application subject of the associated appeal.
5. Having considered professional and technical advice given by its own officers or received from statutory consultees, in addition to issues raised by objectors, members decided to disagree with their officers' recommendation. This was their democratic right, provided that they could show that they had reasonable planning grounds for taking a decision contrary to such advice. The reason for refusal clearly identified what the Council perceived to be the

proposed development's impact and shortcomings. It rooted those concerns in Local Development Plan policy, the HMO SPG, the Council's HMO Property standards and took account of evidence in the applicant's Flood Consequences Assessment and Natural Resources Wales consultation response.

6. The material considerations that supported the proposal were in front of the Council; the weight to be attributed to them was a matter for members. They were legally charged with considering the provisions of the Council's Local Development Plan and associated guidance in addition to HMO Property standards and reach a conclusion that took account of qualitative as well as quantitative considerations. Members discharged that duty. I am not persuaded that their decision was reached based on an overly restrictive interpretation of policy. Taking account of the development plan as a whole, and all other material considerations, it was not the case that the Council prevented or delayed development which should clearly be permitted.
7. Therefore, I am satisfied that the Council applied its judgement on the planning merits of the proposed development and adequately substantiated its reasoning. That I have only upheld the reason for refusal in part does not detract from my conclusion that it did not behave unreasonably; it is merely reflects that, having considered the facts, I attributed different weight to policy and guidance on the issue of bedroom size and associated amenity.

Conclusion

8. I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Annex, has not been demonstrated. Accordingly, the application for an award of costs is refused.

Julie de-Courcey

INSPECTOR