
Costs Decision

Site visit made on 31 October 2017

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7th November 2017

Costs application in relation to Appeal Ref: APP/Z4310/W/17/3179424 47 Blantyre Road, Liverpool, L15 3HS

- 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 LSH Developments for a full award of costs against Liverpool City Council.
 - The appeal was against the refusal of planning permission for a proposal described as "conversion of 6 bed house into a 7 bed HMO".
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Decision

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

Reasons

2. 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 PPG makes it clear that a local planning authority is at risk of an award of costs if it behaves unreasonably with respect to the substance of the matter under appeal by not determining similar cases in a consistent manner.
4. The appellant highlights a number of recent appeal decisions in Liverpool that also relate to conversions to or extensions of houses in multiple occupation (HMOs). These appeals date from 27 June 2017 onwards. The appellant submits that the Council has acted unreasonably in that it did not withdraw its reasons for refusal and concede the appeal following its earlier decisions being overturned.
5. In determining the appeal, I came to a different view from the Council. However, the assessment of the effect of a development on the living conditions of both neighbouring occupiers and occupiers of the host property, are largely matters of judgment. Moreover, full details of the other appeal cases highlighted by the appellant are not before me, and I am therefore unable to fully assess the comparability of those developments to the current appeal proposal. In any case, I note that a number of those decisions hinged on matters that are not in dispute in this case, such as the number of bathrooms provided. Others proposed a greater number of bedrooms than is the case here. The highlighted decisions were also based on other terraces that may differ in size, shape, and layout from the current appeal property.

6. There is no specific requirement for the provision of rear amenity space in Policies H4 or H7 of the Liverpool UDP, or the Conversion of Buildings into Flats and Bedsits SPG. In the absence of an adopted standard, however, this consideration is essentially a matter of professional judgement.
7. Accordingly, and based on the evidence before me, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Thomas Hatfield

INSPECTOR