



Costs Decision

Site visit made on 1 July 2019

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2019

Costs application in relation to Appeal Ref: APP/W4325/W/19/3221077 Thorndale Business Centre, 182 Wallasey Road, Liscard, Wirral CH44 2AG

- 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 Ian McIver for full award of costs against Wirral Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for the demolition of units 1&2, change of use from light commercial use/storage B8 to residential and construction of 4 New 2 Bed Triplex Apartments.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The applicant's case is that the pre-application advice given by the Council was *favourable to residential conversion*. However, there is no evidence before me of any pre-application discussions. Therefore, I cannot be certain as to what exactly was discussed or in what format.
4. Furthermore, the applicant's list of costs includes for information that was submitted in support of the application and indeed for a previous application¹. The PPG advises that costs cannot be claimed for the original application. They can only be claimed for costs incurred during the appeal process.
5. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, an award for costs is therefore not justified.

Alexander Walker

INSPECTOR

¹ LPA Ref: APP/15/00404