



Costs Decision

Site visit made on 22 May 2019

by Julie Dale Clark BA (Hons) DipTP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2019

Costs application in relation to Appeal Ref: APP/W4325/W/19/3222657 42 Market Street, Hoylake CH47 2AF

- 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 Mrs Beaumont for a full award of costs against Wirral Metropolitan Borough Council.
 - The appeal was against the refusal for the erection of semi detached dwelling houses to the rear of 42 Market Street.
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Decision

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

Reasons

2. 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 appellant questions the relevance of the planning policies referred to by the Council and I note the Case Law referred to by the appellant. Policies from the neighbourhood plan are not included in the reasons for refusal. The appellant considers that this omission amounts to unreasonable behaviour by the Council. The appellant further considers that having to address policy matters that were not initially raised by the Council has resulted in unnecessary and wasted expense.
4. Whilst the Council should have referred to all the policies it was basing its decision on, I do not consider that this omission or its interpretation of policies referred to, can be considered unreasonable. I have considered the policies referred to in the reasons for refusal and those in the neighbourhood plan referred to by the appellant but these have not influenced my decision to such a degree and to lead me to a different conclusion. I also do not consider that the appellant has incurred costs that were unnecessary or wasted. Regardless of the appellant's dispute about policies the policies alone have not been a determining factor in my conclusions.
5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

J D Clark

INSPECTOR