



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/19/3222950 Old Post Office, 95 Argyle Street, Birkenhead, Merseyside CH41 6JD

- 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 Norman Baker for a full award of costs against Wirral Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for the proposed alterations to ground floor 'Dance School' to form 3 No apartments (2 No 1 bed 1 No 2 bed).
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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 disagrees with the Council's interpretation of its development plan allocation and policy¹ and that of the National Planning Policy Framework². However, the Council has explained its reasoning in its delegated officer report and although the parties dispute the conclusions drawn by the other, this does not amount to unreasonable behaviour. The appellant's disagreement with the Council is clearly set out by the appellant and I am satisfied that the Council has explained its position.
4. I consider that the appellant has exercised his right to appeal against the Council's decision and, regardless of my decision, I do not find that the Council has behaved unreasonably in its decision making so as to lead the appellant to incur unnecessary or wasted expense in the appeal process
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

¹ Wirral Unitary Development Plan (including minerals and waste policies) Written Statement Adopted February 2000. Policy SH6.

² Ministry of Housing, Communities & Local Government National Planning Policy Framework, July 2018 (the Framework).