



Costs Decision

Site visit made on 30 July 2019

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 17th October 2019

Costs application in relation to Appeal Ref: APP/M4320/W/19/3229527 126-128 South Road, Waterloo L22 0ND

- 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 T Riley for a full award of costs against Sefton Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for change of use of the ground floor only from a betting shop (Sui Generis) to an (A4) bar and (A3) restaurant.
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Decision

1. The application for a full award of costs is refused.

Reasons

2. The Planning Practice Guidance advises that parties in planning appeals are normally expected to meet their own expenses. Irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby causes the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant considers that the appeal was unnecessary because there are no planning policy reasons to merit refusal on the grounds of impacts on the retail function of the District Centre. He further considers that mitigation for the impact on the living conditions of nearby residential occupiers could be secured by planning conditions. Consequently, he considers that the Council's actions have delayed development which should clearly have been permitted.
4. While the applicant disagrees with the conclusion reached by the Council, the Council did substantiate its reasons for refusal relating to the District Centre with reference to the development plan. Moreover, Council Members were entitled to exercise their judgement based on local knowledge and comments from local residents. They were also entitled to conclude that the proposed development would conflict with the development plan, contrary to the professional advice of Officers. As can be seen from my appeal decision I concurred with the Council's assessment of the scheme and have dismissed the appeal. It will also be seen that I considered that the noise and disturbance that would arise from the proposed scheme could not be adequately mitigated by planning condition.
5. I appreciate that the decision of the Council will have been a disappointment to the applicant, and that costs have been incurred in pursuing the appeal. However, the Council did not behave unreasonably in refusing to grant planning permission on the grounds of conflict with the development plan. It

therefore follows that the Council's actions did not delay development which should clearly have been permitted and planning permission was not unjustifiably withheld in this case.

Conclusion

6. I therefore find that unreasonable behaviour by the Council, resulting in unnecessary or wasted expense as described in the Planning Practice Guidance, has not been demonstrated and that a full award of costs is not justified.

Sarah Manchester

INSPECTOR