



Costs Decision

Site visit made on 11 June 2019

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th November 2019

Costs application in relation to Appeal Ref: APP/M4320/W/19/3225642 The Claremont Hotel, 59 Sandy Road, Liverpool L21 1AD

- 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 Mohammad Gohari for a full award of costs against Sefton Borough Council.
 - The appeal was against the refusal of the Council to grant planning permission for change of use of part of the ground floor, the first and second floors from a Public House (A4) to a House in Multiple Occupation (7 units) after the demolition of the existing single storey buildings to the rear.
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Decision

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

Reasons

2. Irrespective of the outcome of an appeal, paragraph 030 of the National Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. Unreasonable behaviour can relate to procedural matters, ie the appeal process, or substantive matters, ie issues related to the planning merits of the appeal.
4. The appellant considers that the Council behaved unreasonably, resulting in unnecessary and wasted expense in submitting the appeal. The applicant considers he was encouraged to make a planning application for the appeal proposal having received positive pre-application advice from the Council. In addition, the applicant contends that the reasons for refusal are spurious.
5. I note that the letter from the Council which accompanied the pre-application advice response states that:

The comments are an officer opinion, which is given without prejudice to future consideration of a formal application by Sefton Council. The information given is the best available at the present time, but it is possible that new issues and information may arise at application stage which may affect the recommendation.

6. The Council determined the application in accordance with relevant development plan policies and other material considerations, concluding that

the proposal would not provide appropriate living conditions for future occupants, with respect to bathroom/wc facilities, outdoor space and refuse storage facilities.

7. Whilst my conclusion on the substantive issue differs to that of the Council, in the circumstances of the case there is no evidence that the Council acted unreasonably in terms of its processing/determination of the application.
8. Having regard to all the evidence I conclude that the behaviour of the Council was not unreasonable to the extent that it resulted in unnecessary or wasted expense, as described in the PPG, in the appeal process.

J Williamson

INSPECTOR