

Costs Decision

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an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 August 2020

Costs application in relation to Appeal Ref: APP/M4320/C/20/3250725

1 Orchard Dale, Crosby, Liverpool L23 2RJ

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Sefton Metropolitan Borough Council for a full award of costs against Mr Joseph Johnson.
 - The appeal was against an enforcement notice alleging the erection of a wall and gates to the front and side boundary of the property in excess of 1 metre in height.
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Decision

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

Reasons

2. National Planning Practice Guidance (NPPG) 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 or wasted expense in the appeal process.
3. The Council's application, principally, restates their view, made in response to the ground (a) appeal, that the wall and gates cause visual harm and that the development is not therefore in accordance with the development plan. The first matter is subjective and a contrary view would lead to a contrary conclusion on compliance with the development plan. In these circumstances the Appellant is entitled to make a ground (a) appeal, which had a reasonable prospect of success. Nothing else mentioned in the application for costs alters the conclusion that the Appellant has not behaved unreasonably. The application for costs thus fails.

John Braithwaite

Inspector