



Costs Decision

Site visit made on 12 October 2020 by L Wilson BA (Hons) MA MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th November 2020

Costs application in relation to Appeal Ref: APP/M4320/W/20/3257347 12 Burbo Bank Road North, Blundellsands L23 8TA

- 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 Pete Wild for a full award of costs against Sefton Metropolitan Borough Council.
 - The appeal was against the refusal to grant planning permission for the erection of 2 detached two storey dwellinghouses after the demolition of the existing house without complying with condition 2, attached to planning permission Ref DC/2016/01978.
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Decision

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

Reasons

2. The application for an award of costs and the Council's response were submitted in writing and the content will be familiar to both parties. Consequently, I shall not repeat those submissions in full within this decision. Government guidance on the award of costs is set out in the Planning Practice Guidance (PPG). Paragraph 030 of that guidance notes that a party may have costs awarded against them in relation to appeal proceedings if they have behaved unreasonably and that behaviour has led another party to incur unnecessary expense. Those two matters are pre-requisites for an award; if there has been no unreasonable behaviour or no wasted expense an award will not be justified.
3. The applicant seeks a full award of costs on the basis that the Council has acted unreasonably, and they have incurred planning consultancy fees in having to appeal the decision. They assert that the Council has made inaccurate and exaggerated statements. I understand that the applicant has not offered to change the scheme as he disagreed with the Officer's opinion and that the cost of the slate is higher than the originally proposed render. The applicant also asserts that the Council has been inconsistent as the approved north facing elevation at No. 14 Burbo Bank Road North (No. 14) has a similar height, mass and colour to that at the appeal site.
4. The Council dispute that the officer's report is inaccurate and assert that the analysis is correct and not inappropriate or unreasonable. They also state that the cost of the scheme has not been a factor in considering the acceptability of the proposal. They acknowledge that similarities can be drawn between the appeal scheme and No. 14, however there are notable differences which results in materially different impacts.

5. The assessment of whether the development harms the character and appearance of the surrounding area, and its effect upon the living conditions of neighbouring occupiers, requires an exercise of planning judgement. The Council's case and reasons for refusal were clear and sufficient evidence was submitted to support the Council's stance. I do not consider that the cost of rectification was a major factor in either the Council's assessment or the applicant's case. The reasons for refusal were not unreasonable and I found that the Council had convincingly made its case, as set out in my associated report.
6. In addition, the scheme before me cannot be directly compared to the approved development at No. 14. When assessing the schemes as a whole, the extent of dark slate is far greater in the proposal before me than that approved at No. 14. In addition, the proposed detailing and design of No. 14 breaks up the scale and massing of the building compared to the flat and simple appearance of the development before me. Consequently, I do not consider that the Council has been inconsistent in determining these applications.
7. The applicant has not shown that the Council's refusal of planning permission was unreasonable. In the absence of any unreasonable behaviour there are no grounds for an award of costs and a full or partial award is unjustified.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

8. I have considered all the submitted evidence and the Appeal Planning Officer's report, for all the above reasons, I concur that this application should be refused.

Chris Preston

INSPECTOR