



Costs Decision

Site visit made on 30 November 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: 11 December 2020

Costs application in relation to Appeal Ref: APP/M4320/D/20/3258522 65 Moorside Road, Crosby L23 2RT

- 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 Askin Zacharkiw for a full award of costs against Sefton Metropolitan Borough Council.
 - The appeal was against the refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The development proposed is a prior approval submission for a proposed rear extension projecting 3 metres from the rear wall of the original dwellinghouse with a height of 3.5 metres at the eaves and a maximum height of 3.5 metres.
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Decision

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

Reasons

2. 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. The applicant needs to clearly demonstrate that this is the case.
3. The PPG provides examples of unreasonable behaviour by local planning authorities that could result in an award of costs. This includes substantive matters such as preventing or delaying development which should clearly have been permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
4. The applicant has not explained how the Council has behaved unreasonably and how that behaviour has led them to incur unnecessary expense. They have simply submitted a copy of the application's transaction receipt.
5. The planning officer's report and the reason for refusal were clear and sufficient evidence was submitted to support the Council's stance. The Council clearly set out that, based on the evidence submitted with the application, the development would not comply with the conditions, limitations and restrictions of Schedule 2, Part 1, Class A of the GPDO. The reason for refusal was not unreasonable.

6. 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

7. 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