
Costs Decision

Site visit made on 20 July 2021

by Mark Caine BSc (Hons) MTPL MRTPI LASR

an Inspector appointed by the Secretary of State

Decision date: 14 September 2021

Costs application in relation to Appeal Ref: APP/W4325/W/21/3273068 10 The King's Gap, Hoylake, Wirral CH47 1HE

- 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 Peter Nicholas for a full award of costs against Wirral Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for a development proposed which is described as 'Erection of a dormer bungalow at the rear of the property (fronting onto Lighthouse Road) (Resubmission of APP/19/01560)'.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may 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 applicant's application of costs relies to a substantial extent on the Council's lack of positive and proactive discussion in respect of how the proposal could be amended to overcome the reasons for the previously dismissed appeal (Ref: APP/W4325/W/19/3244446). As a result of this they consider that the Council has failed to adequately consider the planning application.
4. However, there is little evidence before me to demonstrate that the applicant submitted a formal pre-application enquiry request to the Council. Despite the Kings Gap Conservation Association's lack of objection to the proposal, the clear divergence in the cases of the two main parties is also such that it is unlikely that this matter could have been resolved through continued discussions or minor amendments. Whilst the Council's communication might have been improved, the outcome is unlikely to have been altered and so the applicant has not been put to unnecessary expense in the appeal process.
5. As such I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, an award of costs is not justified.

Mark Caine

INSPECTOR