
Costs Decisions

Site visit made on 18 August 2021

by Helen B Hockenhull BA (Hons) B. PI MRTPI

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

Decision date: 20 September 2021

Costs application in relation to Appeal A Ref: APP/M4320/W/21/3269994 Liverpool Ramblers Football Club, Moor Lane, Thornton, Crosby, L23 4TW

- 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 Power, Liverpool Ramblers Football Club for a full award of costs against Sefton Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for the provision of 6. no new build semi-detached dwelling houses with associated gardens, car parking and access.
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Costs application in relation to Appeal B Ref: APP/M4320/W/21/3269995 Liverpool Ramblers Football Club, Moor Lane, Thornton, Crosby, L23 4TW

- 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 Power, Liverpool Ramblers Football Club for a full award of costs against Sefton Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for the layout of a car park on former tennis courts in replacement of existing parking facilities serving Liverpool Ramblers Football Club, layout of accessible bays adjacent to the clubhouse and alterations to the access track.
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Decision

1. The application for an award of costs in respect of both appeals 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 seeks a full award of costs on the basis that they were required to seek out further confirmation that the tennis courts were not needed and even if they were, the expense of reinstatement would be prohibitive. It is argued that this would have been obvious if the Committee had undertaken a site visit. There was no request for the site gates to be unlocked to enable the Committee to take a closer inspection. Furthermore, at the second Planning Committee there was no discussion about the merits of the case, apart from the two members who were assigned to propose and second refusal.
4. It is common practice for a Council to ask for further comments or information to enable them to make a decision. This was a reasonable approach to take, particularly as the National Planning Policy Framework and Policy NH5 of the

Sefton Local Plan seek to protect existing sports and recreational facilities unless it can be shown that they are surplus to requirements. The further confirmation of the lack of demand for tennis facilities sought by the appellant was helpful to provide a more robust demonstration of the lack of need for the tennis courts. The fact that the Council did not consider this evidence to be conclusive, is a matter of judgment and does not demonstrate unreasonable behaviour. The Council did not prevent or delay a development that clearly should have been permitted.

5. If the Committee had undertaken a site visit, they would have seen first-hand, the very poor condition of the courts and gained some idea of the likely cost of reinstatement. However, I am advised by the Council that the application was considered at a time when Covid restrictions were in place and Committee meetings were being undertaken virtually. Officers presented photographs of the site so that the Committee were aware of the sites condition.
6. I acknowledge that the tennis courts cannot be seen from the road, and whilst it may have been desirable for members to visit the site, I do not consider that it was essential, given the circumstances at the time and the Officer's presentation. The Council's actions do not in my view amount to unreasonable behaviour.
7. I am advised that the appeals were initially presented to Committee on 1 July 2020 and were deferred to enable further consultations to take place. A further report was then presented to Committee on 2 September 2020 with an Officer recommendation of approval.
8. At the second Planning Committee meeting, as the proposals had been discussed in detail at the first Committee meeting, it would have been unlikely that the full details of the development would need to have been discussed again. The fact that there appears to have been very limited discussion at the second meeting, does not in itself amount to unreasonable behaviour. The reasons for refusal were clear and concise and the Council has provided evidence to substantiate them.
9. In summary, I find that unreasonable behaviour as described in the Planning Practice Guidance, has not been demonstrated. The applicant has not incurred unnecessary or wasted expense in the appeal process.

Conclusion

10. For the reasons given above, the application for a full award of costs in respect to both appeals is refused.

Helen Hockenhull

INSPECTOR