
Costs Decision

Site visit made on 11 October 2022

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2022

Costs application in relation to Appeal Ref: APP/V4305/W/22/3301426 Land at Church Road/Okell Drive, Halewood, Merseyside

- 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 Simon Dimelow against the decision of Knowsley Metropolitan Borough Council.
 - The appeal was against the Council's refusal to grant planning permission for erection of a children's day nursery together with the construction of a single vehicular access/exit off Okell Drive.
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Decision

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

Reasons

2. As it is not stated whether the applicant has applied for a full or partial award of costs, I have assessed the application on the basis that it could be for either.
3. Irrespective of the outcome of an appeal, costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. The unreasonable behaviour may relate to either procedural or substantive matters.
4. The applicant's application for an award of costs simply states the following:
"The reasons for refusal are invalid as they are vague and imprecise and do not comply with The Town and Country Planning (Development Management Procedure) (England) Order 2015."
5. The Council has not responded to the applicant's costs submission.
6. The reasons for refusal provided on the Council's Decision Notice are as follows:
"1. The proposed development fails to comply with the requirements of Saved Policy H5 of the Replacement UDP so far as it would have an unacceptable impact on residential amenity."

2. The proposed development fails to comply with the requirements of Policy CS2 of the Local Plan: Core Strategy (2016) as it would have an adverse impact on the character and street scene of the area."

7. Although some of the terms/phrases used in the reasons for refusal are broad, ie "*unacceptable impact on residential amenity*" and "*adverse impact on the character and street scene of the area*", these are terms/phrases commonly used on local planning authority Decision Notices for planning applications. As such, they are terms/phrases which professionals working in the field will be familiar with.
8. The appellant has adequately responded to the reasons for refusal in his appeal statement, indicating that the reasons for refusal were readily understood.
9. I therefore conclude that it has not been demonstrated that the Council behaved unreasonably in respect of any substantive or procedural matters associated with the determination of application Ref 20/00360/FUL. Consequently, there has not been any unreasonable behaviour which caused the applicant to incur unnecessary or wasted expense in the appeal process, as described in the Planning Practice Guidance. I therefore conclude that an award of costs is not justified.

J Williamson

INSPECTOR