



Costs Decision

Site visit made on 7 November 2023

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 December 2023

Costs application in relation to Appeal Ref: APP/Z4310/Z/23/3326278 New Barratt House, 47 North John Street, Liverpool L2 6SG

- The application is made under section 322 of the Town and Country Planning Act 1990, Regulation 17 of the Town and Country Planning (Control of Advertisements) Regulations 2007, and section 250(5) of the Local Government Act 1972.
 - The application is made by Mr Kerchof (Vabeld UK Ltd) for a full award of costs against Liverpool City Council.
 - The appeal was against the proposal described as the conversion of roadside static advertising display to full-motion advertising display.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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. The type of behaviour that may give rise to an award of costs includes a lack of cooperation on the part of the local planning authority and a failure to produce evidence to substantiate a reason for refusal.
3. The applicant has stated that the Council failed to determine the appeal application in a timely manner, referencing shortcomings in its validation and publicising.
4. From the Council's response, it is evident that there were delays in the processing of the application. Although they have not provided a specific response on why all the documents submitted with the application subject of this appeal were not uploaded to the website, they have attributed the delay to high volumes of work and changes in staff personnel. The Council has not explained its position on why an extension of time was not sought, but their Case Officer did however respond in a timely manner to the applicant's communications to them. As such, whilst unnecessary delays can amount to unreasonable behaviour, given the explanation provided by the Council and the evidence before me, including of email correspondence between the main parties, I do not consider there is unreasonable behaviour on the Council's part in this regard.
5. The applicant has set out that the Council failed to consider the evidence submitted and the highways consultation comments were copied from an earlier application. The Council has however stated that the Highways section did undertake an assessment, but they did not consider a full motion display

would be acceptable and as such did not engage further with the applicant. The Council's assessment is set out in their Delegated Case report, and although they do not specifically refer to the highways report provided by the applicant in their analysis, I consider they have set out an adequate level of reasoning to justify the decision.

6. An appeal would therefore have been necessary, and whilst I do not share the Council's view on the main issue as set out in the appeal decision, I do not consider that it has acted unreasonably.

Conclusion

7. With the above in mind, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. An award of costs is therefore not justified in this instance.

F Rafiq

INSPECTOR