



Costs Decision

Site Visit made on 27 February 2024

by J Whitfield BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 12th March 2024

Costs application in relation to Appeal Ref: APP/M4320/C/23/3315793 79 Scarisbrick New Road, Southport PR8 6LJ

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Vincent Luke, ife - audio for a full award of costs against Sefton Metropolitan Borough Council (the LPA).
 - The appeal was against an enforcement notice alleging the unauthorised change of use of a residential dwellinghouse and outbuilding to commercial offices and for the storage and distribution of goods associated with the business operating from the property.
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Decision

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

Reasons

2. The Planning Practice Guidance (the Guidance) 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. A planning application for the development was refused by the LPA on 5 December 2022. The enforcement notice was issued on 10 January 2022. The applicant states that they have been put to wasted costs in appealing the notice which could have been avoided. The crux of the case being that the LPA did not contest the grant of planning permission under the ground (a) appeal subject to conditions.
4. However, the applicant submitted additional information with the appeal to address the LPA's reasons for refusing planning permission and issuing the notice. The LPA's made clear that, had that information been before it at the time it made the decision on the application, it would have granted permission subject to conditions. In turn, no notice would have been issued. Given the LPA's change in position turned entirely on the submission of new information at appeal stage, there has been no unreasonable behaviour by the LPA.

Conclusion

5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated.

J Whitfield

INSPECTOR