
Costs Decision

Site visit made on 2 April 2024

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2024

**Costs application in relation to Appeal Ref: APP/M4320/W/23/3331280
National Trust Car Park, Victoria Road, Formby Easting (x) 327456
Northing (y) 408235**

- 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 Richard Pearse (National Trust) for a full award of costs against Sefton Metropolitan Borough Council.
 - The appeal was against the refusal of the Council to grant planning permission for Coastal Adaptation Works Comprising Dune Restoration & Car Park Relocation.
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Decision

1. The costs application is refused.

Reasons

2. The Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded where a party has behaved unreasonably and that unreasonable behaviour on a substantive or procedural basis has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The claimant considers that the Council has behaved unreasonably in their decision making on this proposal. Whilst noting claims about the Sefton Planning Committee members site visit, there is nothing to persuade me that members were not fully aware of issues at the site. Further, the details of the committee meeting that are before me are limited. There is nothing in principle wrong in members coming to an alternative conclusion to Council officers. Ultimately, it appears on the basis of the refusal reason that the committee considered the loss of trees at the site were not outweighed by the benefits of the proposal.
4. Whilst that is not a position that I have agreed with, as can be seen within the decision letter, arriving at that position was, in the end, a planning judgement that could reasonably have been made. It is not therefore demonstrated that the Council has behaved unreasonably.

Conclusion

5. For the above reasons, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, the application for an award of costs is refused.

T Burnham

INSPECTOR