



Costs Decision

Site visit made on 1 July 2024

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 August 2024

Costs application in relation to Appeal Ref: APP/Z4310/W/24/3338121 47 Durley Road, Liverpool L9 9AN

- 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 Peter McArdle for a full award of costs against Liverpool City Council.
 - The appeal was against the refusal of planning permission for erection of one detached dwellinghouse.
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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.
3. The applicant's cost claim is on the grounds that the Council acted unreasonably by withholding public information which severely disadvantaged the appellant in relation to this appeal. Specifically, the applicant states that the Inclusive Design Officer comments should have been provided and made available during the planning application process.
4. In respect of this matter, the Council's decision notice sets out the two reasons for refusal, with the second of these reasons being that the proposed development fails to meet the accessibility requirements of Liverpool Local Plan 2013 – 2033 (2022) (Local Plan) Policies H12 and UD4.
5. The Council's Officer Report includes further details on this issue by stating that the Inclusive Design Officer objects to the application, before providing a more detailed analysis of where the Council consider the proposal fails to meet the requirements of these policies.
6. I acknowledge that more detailed comments from the Inclusive Design Officer were only provided after the applicant submitted their appeal. Nevertheless, as mentioned above, the Council's Officer Report refers to an objection from the Inclusive Design Officer, and thus the applicant could have requested a copy of these comments from the Council prior to submitting their appeal should they have considered it essential to their case at that stage. I have been provided with no evidence that any such request was made.

7. Furthermore, the applicant was provided with a copy of these comments during the appeal process and had an opportunity to make any comments and submissions in respect of this document within their Final Comments. As such, I do not consider that the applicant's position has been compromised by not having seen these comments prior to submission of the appeal.
8. Additionally, the Council also refused the application on matters related to flood risk. Consequently, the matter relating to the Inclusive Design Officer comments was not the only reason the application was refused and thus did not result in an appeal that could have otherwise been avoided.

Conclusion

9. Given all of the above, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

R Major

INSPECTOR