



Costs Decision

Site visit made on 18 February 2025

by Helen Hockenhull BA (Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th March 2025

**Costs application in relation to Appeal Ref: APP/M4320/W/24/3352808
2 Crown Buildings, Liverpool Road, Southport, PR8 3BY**

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 submits that the Case Officer's report stated that the installation of a new shop front and security shutters was acceptable but then went on to assess the development against Sefton Local Plan Policy HC3. It is also argued that the refusal of planning permission relies on vague generalised and inaccurate assertions about a proposals impact which are unsupported by objective analysis. In particular the Council did not make a full or proper appraisal of the development. The submitted plans show that the shutter box would be behind the fascia sign and that the perforations to the shutter screen would mean that it would not have a solid appearance. It is argued that the Case Officer appears to have considered the appeal based on what they saw at their site visit, when the works were not complete, rather than that shown on the submitted plans. If they had done so, the application would have been approved.
4. I acknowledge that the Council stated in the Officer report that the proposal was acceptable in principle. Whilst this is a little ambiguous, my reading of this statement is that the Council Officer was saying that the principle of a new shop front and shutters was acceptable for an existing retail unit within a parade of other similar premises. The Officer was not stating that the application was acceptable as a whole.
5. It is appropriate for the Council to consider a proposal against development plan policies material to that particular application. Policy HC3 relates to non residential development in primarily residential areas and was therefore a relevant policy in this case. It was not unreasonable for the Council to consider whether the proposal complied with this policy.
6. At the time of the Council Officer's site visit, I understand that the fascia sign had not been erected though it was shown on the submitted plans. I acknowledged in my decision that the fascia sign helps to disguise the shutter box. However, the key

consideration is that the shutter box projects forward of the front elevation of the building and does not match any of the other units in the parade of shops. The Council took the view that this would be out of keeping with the area and harmful to visual amenity.

7. I am not persuaded that the absence of the fascia sign at the time of the Officers site visit affected their judgment of the scheme. The security shutter is installed external to the building, contrary to the Council's Shop Front, Security and Signage Supplementary Planning Document and no exceptional circumstances were presented at that stage to justify a proposal contrary to this guidance. I have no evidence before me to suggest that the Council did not fully consider the submitted plans when coming to a decision. Therefore, I find that unreasonable behaviour has not been exhibited as described in the PPG.
8. The Council, in their response to the application for costs, refers to the fact that the fascia sign required Advertisement Consent, and this had not been applied for. Whilst this may be correct, it is not clear why this is relevant to my decision.
9. Overall, the Council substantiated their reasons for refusal and provided clear and precise reasons why the security shutter was not acceptable. Accordingly, I find that the Council did not make vague, generalised or inaccurate assertions about the development and no unreasonable behaviour has been demonstrated.

Conclusion

10. For the above reasons, unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process has not been demonstrated. Therefore, the application for an award of costs is refused.

Helen Hockenhull

INSPECTOR