



Costs Decision

Site visit made on 13 January 2025

by **H Senior BA (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25th March 2025

Costs application in relation to Appeal Ref: APP/Z4310/W/24/3349675

6a Buckingham Road, Tuebrook, Liverpool L13 8AZ

- 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 Jonathan Veach for a full award of costs against Liverpool City Council.
 - The appeal was against the refusal of planning permission to change use of existing light industrial site (Use Class E) to 2 dwellings (Use Class C3).
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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 PPG states that awards may be either procedural in regard to behaviour in relation to completing the appeal process or substantive, which relates to the planning merits of the appeal.
3. The applicant alleges that the Council referred to the building as “light industrial” in determining a previous planning application¹ and that this would be the accepted use of the site contrary to assertions in its Officer Report (OR). They also allege that although the Council requested an extension of time the decision was subsequently made within the original time limit.
4. In my main decision I explained that reference to the appeal building, as being “light industrial”, did not amount to a determination of lawfulness. The Council was therefore within its rights to arrive at a different conclusion regarding the use of the building when it determined the application for prior approval. Accordingly, there can therefore be no doubt that it did not act unreasonably in doing so.
5. The criteria by which the proposal should have been considered is set out clearly within paragraphs MA.1. (1) and (2) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). I accept that the applicant attempted to find out further details of the previous uses of the building following his agreement to the Council’s request for an extension of time. However, the Council ultimately chose to make its assessment on the information available at

¹ Planning Reference: 23F/1825.

the time, and I am satisfied that it communicated its reasons for determining the application within the original timeframe with the applicant. I therefore do not find this to have been approach unreasonable.

6. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Conclusion

7. Unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not justified. It is therefore hereby refused.

H Senior

INSPECTOR