



Costs Decision

Site visit made on 5 March 2025

by Susan Heywood BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 April 2025

Costs application in relation to Appeal Ref: APP/Z4310/D/24/3350608

18 Sefton Park Road, LIVERPOOL, L8 3SL

- 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 Worden and Professor Kate Black for a full award of costs against Liverpool City Council.
 - The appeal was against the refusal of planning permission for the installation of two air source heat pumps to the front courtyard of the existing property.
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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 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 appellants claim that the Council were overly influenced by a neighbour's objection, failing to carry out their own site visit. The Council say they carried out a visit from outside the property and took photographs of the surroundings. They were therefore aware of the impact of the development on the surrounding area.
4. The Council acknowledge that they relied on photographs, taken from within the courtyard, that they had been provided with. These photographs, whoever they were supplied by, would have enabled the Council to see the development which had been installed¹. It was a matter for the Council to decide at that time whether they had enough information to determine the application. It was not unreasonable of them to consider that they had sufficient information.
5. The Case Officer Report contains the concerns of the Principal Heritage Officer that the development would cause harm to the setting of the listed building, and it is for this reason that the development was refused. I have disagreed with the Council regarding the weight to be given to the public benefits of the proposal, but their conclusion that the application should be refused was not unreasonable. They were entitled to reach this conclusion even though they accepted that the development did not have a harmful impact on the wider surroundings.
6. The Council considered the impact of the development on residential amenity but concluded that the development would not have a detrimental impact. I therefore

¹ I have noted in my appeal decision that this is not the same as the development applied for.

see no merit in the appellants' arguments that the Council were overly influenced by the neighbour's objection, even if the photographs they had regard to were received from this source.

7. The appellants claim that the reasons for refusal take no account of their 'technical assessment' and claim that the siting of the pumps is critical for their functionality and to minimise impact on the building. No such assessment was submitted with the appeal, and I am therefore unaware of the assessment which is referred to. The Design and Access Statement simply states that the application is made in lieu of the ground source heat pumps previously applied for and that the impact will be reduced by the proposed development.
8. Other matters raised in the costs application amount to reasons why the appellants consider that planning permission should be granted. I have dealt with these matters in the appeal decision. Whilst I have agreed with the appellants that the appeal should be allowed, the Council were entitled to come to a different conclusion having balanced the harm and benefits as they are required to do. Their conclusion to refuse planning permission does not amount to unreasonable behaviour.
9. The application for an award of costs therefore fails.

Susan Heywood

INSPECTOR