



Costs Decision

Site visit made on 15 April 2025

by **J Hobbs MRTPI MCD BSc (hons)**

an Inspector appointed by the Secretary of State

Decision date: 2 May 2025

Costs application in relation to Appeal Ref: APP/W4325/D/24/3351124

24 Sandringham Avenue, Hoylake CH47 3BZ

- 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 Mrs Beverley Price for a full award of costs against Wirral Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for a development which was originally described as "Single story extension to the side. This will be level with the front elevation and level with the main building of the rear elevation. Mono pitched tiled roof. Rear single story extension for almost the full width. This will be in line with the existing rear single storey projecting building in line with the gable wall. It will project 3.545m from the main building. Mono pitched tiled roof."
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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 applicant has sought a substantive award of costs against the Council, on the grounds that it prevented development which clearly should have been permitted.
4. The Council specified two reasons for refusal. The second stated that the rear extension would extend beyond a side elevation and exceed more than half the width of the original dwellinghouse. The original dwellinghouse included a single-storey outrigger which projected from the rear elevation. The proposal included the demolition of this outrigger and the construction of a rear single-storey extension. The applicant described this extension as "almost the full width" of the rear within their answer to question 5 on the Application Form. Regardless of the demolition of the outrigger, both of its side walls form side elevations of the original dwellinghouse. Therefore, the rear extension proposed as part of the application would have extended beyond the side elevation of the outrigger facing toward 22 Sandringham Avenue and overall, it would have been more than half the width of the original dwellinghouse.
5. Although the same outcome could be achieved by building a smaller extension next to the existing outrigger, this was not applied for by the applicant. This part of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) is not subject to planning judgement. Instead, the outcome is binary, the proposal applied for either complies with the limitations or

does not. Therefore, it was not possible for the Council to apply planning judgement and consider whether the same outcome could be achieved through a proposal which complied with the limitations set out within the GPDO. Consequently, I do not conclude that the Council acted unreasonably.

6. The first reason for refusal indicates that the proposed development as applied for and shown on the plans was ineligible for prior approval. If granting prior approval, there would be no reason why the Council could not specify which elements were being approved and which were not. Furthermore, the applicant advised that they were willing to amend the application form and plans to avoid any confusion. If this was the only reason for refusal, then the Council would have prevented development which clearly should have been allowed. However, for the reasons given above, the proposal was unacceptable for other reasons.
7. I have dismissed the appeal on the basis that it fails to comply with the condition stated in paragraph A.4(10) of Schedule 2, Part 1, Class A of the GPDO as the development has commenced. However, it is unclear on what date the development commenced. Even if, the start date was after the submission of the appeal, the Council has not prevented development which clearly should have been permitted, for the reasons given above.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

J Hobbs

INSPECTOR