



Costs Decision

Site visit made on 1 May 2025

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12th June 2025

Costs application in relation to Appeal Ref: APP/Z4310/W/25/3359416

1 Cranborne Road, Liverpool L15 2HX

- 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 Thomas Smithson for a full award of costs against Liverpool City Council.
 - The appeal was against the refusal of planning permission for change of use from a single dwelling to two self-contained flats facilitated by a single storey rear extension and rear dormer.
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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. Unreasonable behaviour on the part of a local planning authority may include preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations, acting contrary to, or not following, well-established case law, or not determining similar cases in a consistent manner.
4. The applicant contends that the Council has: incorrectly concluded that the proposal would result in the loss of a family home; failed to explain how the 2-bed 3-person (2b3p) flat would be unsuitable for a family; conflated '*family homes*' and '*larger family homes*' referenced in the Liverpool Local Plan (LLP) and evidence base; failed to consider a recently approved planning permission relating to a nearly identical proposal and compared the proposal to dismissed appeals for the loss of larger family dwellings.
5. However, the Council's officer report and its response to the appellant's statement of case identified the provision of a 2b3p flat as forming part of the proposals and that a 2-bed flat may be suitable for occupation by a smaller household, given the various forms and sizes a family can take. Moreover, the Council articulated its concerns over the suitability of the proposed 2b3p flat for occupation by a family in terms of the location of the accommodation to the upper floors and the sharing of outdoor amenity space. Furthermore, the Council made clear reference to the Strategic Housing Market Assessment and the City's housing needs including the profile of the consented supply being heavily skewed to smaller apartments and flats.

6. The Council has also been clear in their submissions when referring to '*larger homes*' and '*larger households*' as well as the number of bedrooms in a particular property.
7. The planning permission¹ referred to in the main party's evidence, issued last year, does share some similarities to the proposed development. However, the Council did reference this planning permission and preceding appeal. The fact that a similar proposal, located elsewhere in the City, was approved does not in itself justify that consent should be granted for the conversion at the appeal site. The Council exercised a planning balance having regard to the LLP and other material considerations in reaching their decision.
8. Although I did not share their conclusions, I am satisfied that the Council gave a reasoned assessment for their decision, and it was not unreasonable for them to have found otherwise.
9. The appeal decisions relating to the conversion of 4 and 5-bed dwellings, incorporated 2-bed flats, but were not directly comparable to the proposed development and did not alter my findings in relation to this appeal.

Conclusion

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

P Barton

INSPECTOR

¹ Planning application Ref: 24F/0775