



Costs Decision

Site visit made on 11 July 2025

by **B J Sims BSc (Hons) CEng MICE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 July 2025

**Costs application in relation to Appeal Ref: APP/Z4310/W/25/3363154
44 Egerton Road, Liverpool, L15 2HW.**

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by A and I Property for a full award of costs against Liverpool City Council.
 - The appeal was against the refusal of planning permission for change of use from 5No bed to 7No bed HMO with external rear dormer and alterations.
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Decision

1. The application for an award of costs is refused.

Reasons

2. 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 application for costs turns on whether the appeal property was in established use as a HMO prior to the application and, more particularly, prior to the date of an Article 4 Direction preventing HMO conversions without express planning permission.
4. Despite extensive evidence of Assured Shorthold Tenancy Agreements for the appeal property as an HMO, provided at both the application and appeal stages, there is no specific documentary evidence that such an ASTA applied to the dwelling at the critical date of the Article 4 Direction, nor indeed since the end of June 2025, before the determination of the subject appeal.
5. Whether the HMO use was established at that critical date was therefore a moot point and the Council was entitled to make the judgement on the balance of probabilities that the use was not established at that time. On that basis, the Council was also entitled to its judgement that the use of a 7-bed HMO at the appeal site would give rise to unacceptable additional noise and disturbance to the neighbourhood, compared with a family home.
6. In the event, in deciding the appeal, the Inspector reached opposite judgements on both these disputed issues but that does not mean that the conduct of the Council was unreasonable in reaching judgments to which it was entitled, or that the appeal could have been avoided.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

B J Sims

INSPECTOR