



Costs Decision

Site visit made on 16 July 2025

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

an Inspector appointed by the Secretary of State

Decision date: 5 August 2025

Costs application in relation to Appeal Ref: APP/H4315/W/25/3362150

18 Ireland Road, Haydock, St Helens WA11 0SH

- 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 Rhiannon Lanchin for a full award of costs against St Helens Council.
 - The appeal was against the refusal of planning permission for a development originally described as "proposed construction of detached garage associated landscaping and new boundary wall."
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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 an award of costs on both procedural and substantive grounds. Procedurally, the applicant contends that the Council acted unreasonably by implying they should apply for full planning permission rather than accepting a householder application, and through changing the description of development. Substantively, the applicant contends that the Council's judgement has been clouded by whether the proposal comprises of a change of use, and this has led to it incorrectly refusing planning permission which has resulted in an unnecessary appeal.
4. The Council indicated that the applicant should apply for full planning permission as the proposed development fell outside of the scope of a householder application for planning permission. As per the Appeal Decision, I conclude that part of the appeal site falls outside of the curtilage of 18 Ireland Road. Therefore, an application for full planning permission was required. Even if my judgement is incorrect and the Council could have determined the householder application, the additional expense of the increased planning application fee and additional agent costs was not incurred as part of the appeal process.
5. When consulting on the planning application, the Council amended the description of development from the Application Form, this was duplicated on the Decision Notice. The Council acknowledge ideally this would have been done in agreement with the applicant, but it was not. The applicant contends that the change of description has clouded the Council's assessment of the proposal. The Council's reason for refusal did not refer to the proposed change of use. Moreover, no interested parties objected to the proposed development including any change of

- use. Accordingly, it has not been demonstrated that the Council's assessment on the effect of the proposal was altered by the amended description of development.
6. In addition, the applicant contends this has led to an unnecessary appeal which has resulted in them incurring additional costs. As per the Appeal Decision, I conclude that the proposal would be harmful to the character and appearance of the area. Even if, I had allowed the appeal, the Council's assessment was based upon the planning merits of the proposal. Therefore, it has not acted unreasonably, and their assessment has not resulted in an unnecessary appeal.
 7. The applicant also indicated that the Council initially acted unreasonably by failing to adopt part of the appeal site, if it considered it to be public open space. The appeal was against the refusal of planning permission for the proposed development. Whether part of the appeal site should have been transferred to the Highway Authority is outside of the scope of the appeal.
 8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

J Hobbs

INSPECTOR