



Costs Decision

Site visit made on 26 September 2025

by R Gravett BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2025

Costs application in relation to Appeal Ref: APP/Z4310/W/25/3369372

31 Liscard Road, Liverpool L15 0HH

- 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 Simon Lawrence of SGL Group Ltd for a full award of costs against Liverpool City Council.
 - The appeal was against the refusal of planning permission to convert the property from a C4 Use Class HMO to a 7-bed Sui Generis HMO facilitated by the installation of a rooflight and rear extension.
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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 (PPG) 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. Unreasonable behaviour can be either substantive (relating to the merits of the appeal) or procedural (relating to the process) in nature.
3. Although the applicant's cost claim restates large parts of their evidence to the appeal, the crux of the claim is that the Council has behaved unreasonably on substantive grounds, namely treating the property as a C3 dwelling, despite the existence of a Lawful Development Certificate for a C4 House in Multiple Occupation (HMO). As explained in my main decision, it is not within my remit to formally determine whether the existing use or development is lawful. If the appellant wishes to ascertain whether the existing use and development is lawful, they may make an application under Section 191 of the Town and Country Planning Act 1990 (as amended).
4. In so far as it was material to the case, and on the evidence before me, I formed a different view with regards the HMO use, but it was nevertheless open to the Council to form a judgement. Relying on the intentions of an applicant in isolation would amount to unreasonable behaviour. However, I am not persuaded that the Council has acted unreasonably on the basis that other evidence available to them was considered which, in addition to the tenancy agreement, included the physical addition of a dormer window and the consultation response from Private Sector Housing.
5. I note the applicant has relied upon appeal decisions in respect of proposals they consider to be similar in nature to the development before me, and I recognise the

importance of consistency in decision-making in the planning process. However, I am satisfied that the Council's submissions fully and robustly justify the position it has taken in respect of whether acceptable living conditions could be provided for occupiers of the HMO and the effect on the living conditions of neighbouring residents. The consideration of these matters turns on the site-specific circumstances of the case. In an area with an existing concentration, it is also not unreasonable to assess the cumulative or incremental impact of HMOs.

6. Although I reached a different conclusion on the matters at issue, the decision the Council took was not wholly unreasonable and it would not have prevented or delayed development which should clearly have been permitted, having regard to the development plan, national policy and other material considerations. Nor do I have any compelling evidence that the Council failed to engage pro-actively with the applicant, or that at least some of the issues could have been resolved if revised plans had been sought.

Conclusion

7. For the reasons given above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

R Gravett

INSPECTOR