



Costs Decision

Site visit made on 16 October 2025

by N Unwin BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2025

Costs application in relation to Appeal Ref: APP/H4315/W/25/3368031

14 North Road, St. Helens WA10 2TL

- 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 H Thullibelli (Caprinos Pizza St Helens) for a full award of costs against St Helens Metropolitan Borough Council.
 - The appeal was against the refusal of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for the change of use from cafe/hot food takeaway to sui generis (for sale of oven baked foods-pizza) including replacement business signage and repainting shopfront.
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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.
3. Costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour in the context of an application for an award of costs may be either procedural relating to the process, or substantive relating to the issues arising from the merits of the appeal.
4. Policy LPD10 of the St Helens Borough Local Plan up to 2037 (2022) (the Local Plan) states that permission for a hot food takeaway will only be granted if it would be located outside a 400m exclusion zone measured from the boundary of any primary or secondary school or sixth form college. The policy then makes reference to the exclusion zones within the Supplementary Planning Document Hot Food Takeaways (2011) (the SPD). The hot food takeaway exclusion zone on page 26 of Annexe 1 of the SPD clearly encompasses the appeal site. Whilst the SPD was adopted some time ago, it is referenced by the Local Plan which was adopted in 2022 and it has not been superseded. Therefore, the SPD remains relevant to the determination of the original application and appeal.
5. The appellant contends that the proposed development will not involve frying, include a range of healthy eating options, and only accept customers who are 18 years old or above. Nevertheless, there was no mechanism presented to secure this at application or appeal stage. Further, Policy LPD10 of the Local Plan encompasses all hot food takeaways regardless of the eating options available. As

such, I do not consider that the Council have behaved unreasonably in the application of policy.

6. Whilst I sympathise with the appellant's position that the nature of a retrospective application has lead to worry, uncertainty, cost and time, this is the risk of carrying out development prior to the grant of planning permission and does not justify departure from policy.

Conclusion

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as defined in the PPG, has not been demonstrated. Accordingly, the application for costs is refused.

N Unwin

INSPECTOR