



Costs Decision

Site visit made on 4 November 2025

by **C Evans MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 December 2025

Costs application in relation to Appeal Ref: APP/Z4310/W/25/3371796 234 Menlove Avenue, Liverpool L18 3JF

- 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 Chris Convery for a full award of costs against Liverpool City Council.
 - The appeal was against the refusal of the Council to grant planning permission for 1 no detached dwellinghouse in rear garden of No.234 Menlove Avenue; following the demolition of existing swimming pool structure, installation of outdoor swimming pool and partial demolition of side elevation of No.234 to create new vehicular access to the rear.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

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. There is a previous appeal decision for a new dwelling on this site, which was dismissed in 2023 (ref: APP/Z4310/W/22/3306489). The Inspector dismissed this due to the extensive level of cut and fill required, harming character and appearance and that the proposed dwelling resulted in unacceptable overlooking to neighbouring properties. The applicant submitted an amended scheme to address these specific issues. The PPG outlines that a substantive award of costs can be made if a local planning authority persist in objections to a scheme, or elements of a scheme, which an Inspector has previously indicated to be acceptable.
4. The Council refused the planning application at Planning Committee, which went against officer advice. Whilst planning committees are able to make decisions that are contrary to officer recommendations, they must show reasonable planning grounds when reaching their decision and produce sound evidence to support the decisions made. These should not be based on vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis. Otherwise, as advised in the PPG, local planning authorities will be at risk of a substantive award of costs being made against them
5. The reasons for refusal given in the Decision Notice state that the scale, massing and siting of the proposal would not achieve a high standard of design and result in an overbearing impact and harm the amenity of neighbouring residents.

6. The Council's Statement of Case discusses two main issues. The first refers to harm to the character and appearance of the area from the development of a backland site and subdivision of an existing plot. The Inspector in the previous decision found that this was acceptable in principle and also concluded that the proposal would not cause an imposing sense of enclosure. The mass, scale, siting and design of the scheme were considered acceptable. The new proposal is not materially different to the previous in these respects. On this basis, the conclusions of the previous appeal decision are relevant and should be given appropriate weight. No new reasoning was given by the Council to justify their persistence with this objection to elements of the proposal which were previously found acceptable. The Council also did not provide reasoning or justification that the extent of cut and fill required to ground levels remained unacceptable following an amended proposal.
7. The previous appeal identified that the proposal would result in unacceptable overlooking into 8,10 and 12 Middlefield Road only. The Council acknowledges that the amended proposal meets the suggested distances in Supplementary Planning Guidance (SPG) Note 10 New Residential Development for all neighbouring properties. This guidance makes an adjustment to the suggested distances for sloped sites. No objective analysis or detailed reasoning was given by the Council to justify why the distances recommended in the SPG were not appropriate for this proposal. This refusal does not show reasonable planning grounds, as it was based on vague and generalised assertions, without objective analysis.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that a full award of costs is justified.

Costs Order

9. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Liverpool City Council shall pay to Mr Chris Convery, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
10. The applicant is now invited to submit to Liverpool City Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

C Evans

INSPECTOR