
Costs Decision

Site visit made on 9 December 2025

by K Mee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th January 2026

Costs application in relation to Appeal Ref: APP/Z4310/W/25/3372836

4 Mostyn Hall, Gainsborough Road, Liverpool L15 3HX.

- 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 2712 Properties Limited for a full award of costs against Liverpool City Council.
 - The appeal was against the refusal of planning permission described as “to use the property as a 8 bed HMO with bin store to front and cycle store to rear”.
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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. The applicants claim for costs is based on the unreasonable behaviour of the Council in the way they handled and considered the application with regard to the historic use of the appeal property.
4. Unreasonable behaviour on the part of the Council may include making vague or inaccurate assertions about the proposals impact, which are unsupported by any objective evidence or analysis, preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan and any other material considerations.
5. Evidence provided by the applicant at both the application and appeal stages include the original planning permission reference 92P/1907 for the erection of student accommodation comprising 5 units, a Statutory Declaration by confirming the long-standing use for student accommodation after the property was built and up to 2023, when their management of the property ceased, along with an Assured Shorthold Tenancy Agreement for the period between 1 July 2022 and 30 June 2023. It was also confirmed, and not disputed by the Council, that a House In Multiple Occupation (HMO) Licence for up to 8 occupants had been issued by the Council's Private Sector Housing division for the period between 25 October 2018 and 24 October 2023 and that a further HMO Licence for up to 8 occupants was issued on 23 July 2025.
6. However, despite this evidence, the Council suggested that the use of the property could have been as a single dwellinghouse within Use Class C3 seemingly on the

basis that the property management company offers all types of accommodation, including family homes, and that the property would be attractive to a larger family. I have dealt with this issue in the section 78 appeal decision. No other evidence to substantiate these assertions has been provided by the Council.

7. The conflict with the development plan turns on whether the proposal for the use as a 8 bed HMO would result in the loss of a single dwellinghouse within Use Class C3. Although it may have been reasonable for the Council to conclude that the applicant may not be able to demonstrate the continuous use of the property as a 8-bed large HMO for the past 10 years, they failed to take account of the planning permission for the appeal property which was for student accommodation. There is no evidence to support the assertion by the Council that the use of the property changed to a single dwellinghouse at some later point in time or, moreover, that the change from what has been shared accommodation for many years would alter the balance or mix of housing and would thereby exacerbate anti-social behaviour or other nuisance associated with an unbalanced community.
8. On that basis, without convincing supporting evidence to the contrary, the proposal is in accordance with the development plan and should have clearly been permitted.

Conclusion

9. Accordingly, I find that the Council has demonstrated unreasonable behaviour in refusing planning permission and that this has resulted in unnecessary or wasted expense on the part of the applicant in terms of the need to prepare and submit the appeal. A full award of costs is therefore warranted.

Costs Order

10. 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 2712 Properties Limited, 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.

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.

K Mee

INSPECTOR