



Costs Decision

Site visit made on 12 December 2025

by N Unwin BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2026

Costs application in relation to Appeal Ref: APP/Z4310/W/25/3374190

61 Egerton Road, Liverpool L15 2HN

- 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 A&I Property for a full award of costs against Liverpool City Council.
 - The appeal was against the refusal of planning permission for the proposed change of use from 6no. bed to 7no. bed HMO with external rear dormer and alterations.
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Decision

1. The application for a full 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. 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. This application is made on substantive grounds.
4. The applicant raises a previous application (ref 23F/2064) and appeal (ref APP/Z4310/W/24/3341970) at the appeal site for the change of use from six bed house in multiple occupation (HMO) to seven bed HMO with external dormer and alterations. The main issue of the appeal was whether the proposal would provide adequate living conditions for future occupiers.
5. When referring to the proposal's effect on the living conditions of neighbouring occupiers, the delegated report states that the increase associated with one additional occupant is not likely to result in a change of sufficient significance to warrant a refusal of planning permission. The effect of the proposal on the living conditions of neighbouring occupiers did not form a main issue as part of the subsequent appeal.
6. The applicant submitted the application relevant to this appeal to overcome the aforementioned effect on the living conditions of future occupiers relevant to the previous application and appeal. With respect to this appeal, the Council concluded that the development would provide suitable living conditions for future occupants.

7. The Council contend that the increase from six to seven occupants would have an unacceptable effect on the living conditions of neighbouring occupiers. Nonetheless, they found this increase unlikely to result in a change of sufficient significance to warrant a refusal of planning permission for the previous proposal. There is little before me to substantiate the Council's conflicting conclusions. Further I have not been made aware of any changes to planning policy or any other material considerations to justify an alternative conclusion to the previous application on this matter.
8. Given the similarity of the schemes, specifically the level of intensification of the use of the existing property, I consider that the Council have acted unreasonably in refusing the application on this matter. Therefore, I find unreasonable behaviour by the Council, resulting in unnecessary and wasted expense, as described by the Planning Practice Guidance, 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 A&I Property, 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 the 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.

N Unwin

INSPECTOR