



Costs Decision

Site visit made on 12 January 2026

by A Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 February 2026

Costs application in relation to Appeal Ref: APP/Z4310/X/25/3361847

57 Lorne Street, Liverpool L7 0JP

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Ms Shavae Willoughby for a full award of costs against Liverpool City Council.
 - The appeal was against the refusal of a certificate of lawful use or development for change use from a dwellinghouse (Use Class C3) to a children's home (Use Class C2), to care for a maximum of 1 child aged between 8 - 17. The child would receive 2:1 care 24/7. Care staff would work 72 hours shifts with change overs taking place once in three days. A home manager may be present at the home during 'normal working hours 'Monday - Friday.
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Decision

1. The application for 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. The appellant contends that, initially, the Council unilaterally changed the description of the development. Section 191(4) of the Town and Country Planning Act 1990 (the Act) allows the local planning authority to modify or substitute the description of the development. However, no equivalent power exists under section 192 of the Act. Therefore, despite the Council's reasons for changing the description, they have no power to unilaterally do so for a s192 LDC application. Notwithstanding this, the appellant confirms they eventually agreed to the change of description as proposed by the Council. Whilst they contend that they only agreed on the basis of the case officer confirming via email that the proposal would be granted a certificate of lawfulness, no evidence of such explicit confirmation is before me.
4. The Council's reasons for why they refused the LDC application are complete, precise, specific and relevant to the application. It provides reasoning as to why they consider the proposal would lead to a material change of use. Although the appellant referred several appeal decisions to the Council in support of their case, the circumstances of such cases are rarely identical, in respect of how the use operates, who the occupants are, how many occupants there are, staff shift patterns, site location, needs of the occupant/s etc. Therefore, whilst I appreciate the applicant does not agree with the Council's consideration of the development, the Council were not unreasonable in coming to that decision and there is no

evidence to suggest that they have caused unnecessary or wasted expense in the appeal. Whilst I have not concurred with the Council's decision, I do not find that they failed to adequately consider the evidence.

5. Moreover, I do not accept the contention that it is 'accepted best practice' that a two child children's home does not amount to a material change of use in planning terms. Indeed, the Council refers to an appeal decision relating to such a 2 child C2 use, which was dismissed¹.
6. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, an award for costs is not justified.

A Walker

INSPECTOR

¹ Appeal ref APP/M4320/X/22/3301638