
Costs Decision

Site visit made on 3 February 2026

by **M Ollerenshaw BSc (Hons) MTPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27th February 2026

Costs application in relation to Appeal Ref: APP/M4320/C/24/3358055

Land at 68 Warren Road, Blundellsands, Liverpool, L23 6UG

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Sumer Aditya for a full award of costs against Sefton Metropolitan Borough Council.
 - The appeal was against an enforcement notice alleging without planning permission, the erection of a single storey extension to the side and rear of the property and a garden terrace to the side of the property.
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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 advises that costs may be awarded against a party who has behaved unreasonably, in either a substantive or procedural way. The power to award costs relates only to those costs necessarily and reasonably incurred in the appeal process.
3. The applicant is seeking a full award of costs on both substantive and procedural grounds. The applicant submits that the Council issued the notice with undue haste, following the refusal of the s73 application, and without any prior engagement or discussion. This denied them the opportunity to submit a s78 appeal and meant that they had to rely on appealing against the enforcement notice.
4. In some circumstances costs applications may relate to events that happened before the appeal which support or demonstrate unreasonable behaviour during the appeal. In this case there does appear to have been some dialogue between the parties both before and during the s73 application process. It is understandable that the Council wished to take enforcement action soon after the refusal given the clear harm that had been identified. It should not therefore have been a surprise to the applicant that the notice was issued following the refusal of permission. Moreover, the timing of a notice is a matter for the Council's judgement and there is no reason why a notice should not be issued soon after the refusal of a related planning application if it is considered expedient.
5. The applicant criticises the Council for not acting proactively and for taking disproportionate action against a non-sensitive, householder development that does not cause demonstrable harm. The applicant says that no evidence has been presented to show any significant harm that would justify immediate enforcement

rather than continued dialogue. I do not share the applicant's view that the development is non-sensitive given the harm I have identified to the living conditions of the neighbouring occupier. It follows that the Council's decision to take enforcement action was reasonable and proportionate in the circumstances. Further, given the stage the works had reached, I am not convinced that continued discussions with the applicant would have avoided the need for the appeal or the costs associated with it.

6. A central part of the applicant's case is that the Council's conclusions regarding the impacts of the development were not supported by any technical assessment and that, in dealing with the s73 application, the Council failed to address the impact in relation to the SPD on House Extensions. I agree that a more detailed assessment against the design guidance would have been helpful. However, it seems to me that the impacts from loss of light and outlook have been adequately explained in the Council's submissions. Moreover, the SPD provides guidance rather than a mandatory methodology, and the Council was entitled to reach its own conclusion on these issues as a matter of judgement.
7. In this case, the main issue related to outlook, which did not depend on a technical analysis. While the development is not directly in front of 70, it is positioned towards the front of the neighbour's property, albeit slightly off set, and is clearly visible from their front windows. The Council has clearly identified the harm arising from this relationship, and I am satisfied that it explained its position adequately.
8. The applicant also highlights a concern that the notice may be defective, specifically the requirement to make good the external walls. It is argued that this requirement exceeds the authority's powers, as it would inhibit the lawful completion of development permitted under the extant 2023 planning permission.
9. I have explained in my decision why this matter does not render the notice a nullity. The applicant could choose to entirely demolish the development, in which case making good the external walls of the property would be a reasonable step to ensure a satisfactory appearance to the building. While I have reached a different conclusion to the Council as to the precise requirements of the notice, this does not mean that the Council's actions amount to unreasonable behaviour. The success on ground (f) did not result in any significant additional work or wasted expense.

Conclusion

10. For the reasons given I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. The application for a full award of costs is refused.

M Ollerenshaw

INSPECTOR