Planning Inspectorate

Costs Decision

Site visit made on 23 February 2026

by A Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 March 2026

Costs application in relation to Appeal Ref: APP/Z4310/X/25/3365461
9 Rathbone Road, Wavertree, Liverpool L15 4HG

- 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 SGL Group Ltd 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 a C4 Use Class HMO.

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. The PPG states that examples of unreasonable behaviour that may lead to an award of costs against appeal parties include failure by the planning authority to substantiate a stated reason for refusal.

4. The application for a certificate of lawful use or development (LDC) that was the subject of the appeal was submitted to the Council accompanied by, amongst other things, Assured Shorthold Tenancy Agreements (ASTAs) covering the period of 1 June 2020 to 31 December 2023. Each ASTA identifies the tenants at the time. The application was also accompanied by the statutory declaration made by the appeal property owner.

5. The Council's case centres on their assertion that the property has at some point been in occupation by 7 persons. They claim this is based on information from their Private Sector Housing department that 7 people were listed at the property for the 2022 HMO license. The appellant requested a copy of this correspondence from the Private Sector Housing department, which the Council declined to provide on data protection grounds. However, I fail to see how the appellant could have reasonably responded to this assertion from the Council without having sight of the evidence upon which the Council were relying. The ASTAs clearly identified 3/4 tenants, including their names. Even if the Council could not have provided the requested information it seems reasonable that they could have at least confirmed whether the persons listed in the license application matched any of those on the ASTAs. It may have been that the persons named on the licence overlapped two ASTA periods, thus including all named tenants on both.

6. The onus is on the appellant to demonstrate that, on the balance of probabilities, the use was lawful at the time of the LDC application. Nevertheless, if the Council claim they have evidence that contradicts the appellant's case, but do not provide this evidence, then it makes it difficult for the appellant to answer. Accordingly, the Council's argument that the property has been occupied by 7 persons is wholly unsubstantiated and therefore amounts to unreasonable behaviour.

Conclusion

7. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs is therefore warranted.

Costs Order

8. 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 SGL Group Ltd 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.

9. The applicant is now invited to submit to Liverpool City Council details of those costs with a view to reaching agreement as to the amount.

A Walker

INSPECTOR