



Costs Decision

by **Felicity Thompson BA(Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 March 2026

Costs application in relation to Appeal Ref: APP/Z4310/X/25/3367075

49 Clapham Road, Liverpool L4 2TG

- 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 Liverpool City Council for a full award of costs against Mr Marcin Figura.
 - The appeal was against the refusal of a certificate of lawful use or development for existing use as C4 HMO.
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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 (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. In summary the Council's application for costs is made on the basis that the appellant introduced new evidence at the appeal, namely by stating, in response to comments in the Council's delegated report, that the tenancy agreements rolled over into contractual periodic tenancies, after the expiry of the initial term, unless otherwise stated.
4. In section 195 appeals, the parties and interested persons may submit additional evidence which was not before the authority at the time of its decision. Any relevant new evidence advanced at the appeal should be considered since the purpose of the LDC provisions are to enable the making of an objective decision based on the best facts and evidence available when the decision is taken.
5. In any event, there was no new evidence, the appellant was simply addressing a point made by the Council and which was evident from the tenancy agreements that were submitted with the application. This was not unreasonable.
6. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Felicity Thompson

INSPECTOR