Planning Inspectorate

Costs Decision

Site visit made on 14 October 2026

by D A Hainsworth LL.B(Hons) FRSA Solicitor

an Inspector appointed by the Secretary of State

Decision date: 9th November 2026

Costs application relating to Appeal Ref: APP/Z4310/X/26/3377978
98 Adelaide Road, Liverpool L7 8SQ

- The application is made by Liverpool City Council under the Town and Country Planning Act 1990, sections 195 and 322 and Schedule 6, and the Local Government Act 1972, section 250(5), for a full award of costs against the appellant Olena Kozak-King.
- The appeal was against the refusal to grant a lawful development certificate for "a House of Multiple Occupation for 3-6 persons (Use Class C4)".

Costs decision

1. The application is refused.

Reasons for the costs decision

2. The Government's planning practice guidance indicates that the parties to an appeal are expected to behave reasonably to support an efficient and timely process and that where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, the party may be subject to an award of costs.

3. The Council refused the application for the certificate because they were not satisfied that it should be granted on the basis of the information that the applicant had provided. The applicant then wrote to the Council with some more information and the Council replied, informing her of the further information that was still required and telling her that the decision could not be reversed, but that she could either submit an appeal to the Planning Inspectorate or resubmit the application to the Council. The Council did not mention that they would be making a costs application if she appealed.

4. The applicant decided to appeal and she submitted all the information that the Council required. The Council reviewed it and decided not to contest the appeal, which was successful.

5. The Council now apply for a full award of costs against the appellant on the basis that she acted unreasonably by not submitting all relevant information in in the first place and that the Council "expended costs and time in both the handling of the appeal procedurally (administration) and in the officer time (both case officer and line manager) that was taken to subsequently assess the additional information and produce the appeal statement of case and costs claim".

6. The appellant has responded, maintaining that she acted reasonably and in accordance with Council precedent, the planning practice guidance and established appeal practice and that the Council have not incurred additional expense, since they would have had to assess the additional information if it had been provided with the application in the first place. She states that the Council could at the application stage have requested further clarification and/or invited further documentation or explained why her submission was lacking, but did not do so before refusing the application.

7. The Planning Inspectorate publication *Certificate of lawful use or development appeals: procedural guide* states at paragraph 2.1.2 "it is best practice for the LPA to have constructive discussions with applicants and, if it has any concerns, give the applicant the opportunity to amend the application and submit further evidence or supporting documents before it is decided. This should help to avoid the need to appeal". The Council did not follow best practice in this instance.

8. It has not been demonstrated that the appellant behaved unreasonably or that the Council incurred unnecessary or wasted expense within the meaning of the Government's planning practice guidance. An award of costs against her is not justified.

D.A.Hainsworth

INSPECTOR