



Costs Decision

Site visit made on 17 April 2012

by P J Asquith MA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 May 2012

**Costs application in relation to Appeal Ref: APP/Z4310/A/11/2165452
All Saints Church, Childwall Lane, Childwall, Liverpool, L16 0JW**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by All Saints Church Parochial Church Council for a full award of costs against Liverpool City Council.
 - The appeal was against the refusal of an application for planning permission for a new single-storey extension to existing church building; new extension to provide meeting rooms, vestry and WCs off the main church and connected by a glazed link with a new doorway to be formed beneath existing church window and the creation of a new burial ground within Bloody Acre.
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Decision

1. The application for an award of costs is refused.

Reasons

2. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only 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 decision to refuse planning permission was taken by the Council's relevant Committee against the recommendation of its professional planning officer. Paragraph B20 of the Circular advises that planning authorities are not bound to accept the recommendations of their officers. However, if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects.
4. The decision was made following the presentation of a detailed report and the decision notice provided comprehensive reasons for refusal with reference to relevant planning policy. Undoubtedly in making its decision the Committee would have had regard to comments made by interested parties both for and against the scheme. However, the issues involved are primarily ones relating to planning judgement in terms of impact on a listed building, its setting and effect on a conservation area. In this regard the Committee making the decision was entitled to exercise a differing balance to that of its professional officer and other supporting technical consultees.
5. Paragraph B18 of the Circular indicates that where planning appeals involve such matters of judgement it is unlikely that costs will be awarded if realistic

and specific evidence is provided about the consequences of the proposed development. Within the context of the appeal the Council has provided detailed and relevant evidence in its statement to justify its reasons for refusal, including that relating to the use of the graveyard and access to graves that would be affected by the proposal. Whilst I have come to a contrary view to that of the Council in relation to the merits of the proposal, I do not consider it behaved unreasonably in making the decision it did or in its subsequent defence of its decision. On this basis the applicant has not been put to unnecessary or wasted expense in pursuing the appeal. I therefore refuse the application for an award of costs.

P J Asquith

INSPECTOR