
Costs Decision

Site visit made on 29 November 2016

by John Dowsett MA DipURP DipUD MRTPI

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

Decision date: 22nd December 2016

Costs application in relation to Appeal Ref: APP/B4215/D/16/3156553 5 Highbank Drive, Manchester, M20 5QR

- 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 Mrs L Hopton for a full award of costs against Manchester City Council.
 - The appeal was against the refusal of planning permission for a two storey side, and a single storey rear, extension.
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Decision

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

Reasons

2. Irrespective of the outcome of the appeal, the Planning Practice Guidance advises that 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 appellants application for an award of costs is predicated on several grounds, namely: that the council did not consider the merits of the case and provided inconsistent advice during the consideration of the application; the Council did not take into account similar developments in the area; the Council failed to advise the appellant that objections had been received to the planning application; the Council failed to make copies of documents available to the appellant following the decision; inaccuracies in the planning officers report; and flaws in the reasons for refusal.
 4. From the information provided by the Council in response to the application for costs, I can see no evidence of inconsistent advice being given. On the contrary, the documents provided by the Council show that essentially the same advice was given throughout the consideration of the planning application with the only change being in respect of the removal of the requirement to set back the ground floor element of the side extension due to the presence of the bin storage area. It is also clear from this documentation and the planning officer's report that the Council examined and considered the information provided to them in respect of similar developments in the area.
 5. Whilst it would be considered good practice to do so, there is no obligation on the Council to make applicants for planning permission aware of objections received from third parties. This notwithstanding, there is some evidence to show that the appellant was made aware of the objections to the proposal at
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the time the Council suggested amendments to the scheme. Similarly, whilst the Council have to maintain a public register of planning applications that contains the information required by Article 40 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, there is no enhanced duty to publish comments received on applications or other information that is not required to be held on the public register of planning applications.

6. The Council provided a copy of the planning officers report within five working days of it being requested, and advised on the same day as receiving the request for further information that access would be given to the planning application file to allow the appellant to view this. I do not consider that these timescales were unduly long.
7. The Council agree that there are some inaccuracies in the officer's report, but these are minor. Whilst there are incorrect measurements given, the measurements themselves are not fundamental to the Council's decision and it is clear to the reader on what basis the Council made its decision. The reference to the Policy in respect of Conservation Areas did not form part of the reason for refusal. It is also clear from the report that the Council gave due weight to the relevant material considerations.
8. I have considered the reasons for refusal within my decision on the appeal and have found that they have a sound basis.

Conclusion

9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Consequently there are no grounds for either a procedural or a substantive award of costs.

John Dowsett

INSPECTOR