
Costs Decision

Site visit made on 27 June 2017

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 17th August 2017

Costs application in relation to Appeal Ref: APP/B4215/Z/17/3172441 43-45 Piccadilly Gardens, Manchester, M1 1HP

- The application is made under section 322 of the Town and Country Planning Act 1990, Regulation 17 of the Town and Country Planning (Control of Advertisements) Regulations 2007, and section 250(5) of the Local Government Act 1972.
 - The application is made by Mr Gerry O'Brien for an award of costs against Manchester City Council.
 - The appeal was against a refusal to grant express consent for retention of temporary scaffold shroud screen advertisement measuring 20M X 10M with external illumination & set within a brick mural image for a further period of 12 months until 15 February 2018 following the expiry of the previous consent granted at appeal on 15 February 2016 until 15 February 2017 (ref APP/ B4215/Z/15/3140692).
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Decision

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

Reasons

2. 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 appellant submits that the Council has acted unreasonably in that it has persisting in objections to a scheme that a Planning Inspector has previously indicated to be acceptable.
4. The existing advertisement has been subject to 2 previous appeal decisions¹. However, the plans that were originally submitted were for a significantly larger advert than is currently in place. At the appeal stage, the appellant submitted revised plans and clarified that their intention was to retain the existing advertisement. However, the Council determined the application based on plans for a larger advertisement. In these circumstances, the Council was not bound by the previous Inspectors' findings.
5. In any case, the previous consents were temporary in nature and it is clearly not in the long term interests of the area for the site to remain in its current condition indefinitely. Whilst I have concluded that a further 12 month consent is justified in this case, that is a matter of planning judgement.

¹ APP/B4215/H/13/2202566 and APP/B4215/Z/15/3140692

6. For the above reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Thomas Hatfield

INSPECTOR