



Costs Decision

Site visit made on 13 August 2019

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2019

Costs application in relation to Appeal Ref: APP/B4215/W/19/3227354 2-4 Heddon Walk, Manchester M8 0RN

- 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 Mr Ghulam Hussain Adeel (Al Sadiq Academy) for a full award of costs against Manchester City Council.
 - The appeal was against the refusal of planning permission for change of use from two dwelling houses (C3a) to educational facility (Class D1).
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Decision

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

Reasons

2. Paragraph 030 of the Planning Practice Guidance (the PPG) indicates 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. Examples of unreasonable behaviour by Local Planning Authorities are set out in Paragraph 049 of the PPG.
4. The applicant states that the Council have introduced additional reasons for refusal in their Appeal Statement, which constitutes unreasonable behaviour by the Council, and has caused the applicant significant additional work and costs.
5. The Council have responded in that the matters raised by the applicant as additional reasons for refusal are actually included as part of the assessment in the original Officers report for the planning application and the Council have not brought forward any additional reasons for refusal.
6. I find that no additional reasons for refusal have been forwarded as part of the Council's Statement of Case. The Council have gone into further detail in order to justify the reasons for refusal as set out in the Decision Notice. I do not consider that any additional detail has been submitted that would have required the applicant to undertake any works other than that which would have been required to address the concerns of the Council at appeal stage.
7. I find that the Council reached a rounded view in taking the decision and considered all relevant matters. The reasons for refusal set out in the decision notice are complete, precise, specific and relevant to the application. It also clearly states which policies of the Local Plan at that time, that the proposal would conflict with. These reasons have been adequately substantiated by the Council in its Appeal Statement.

8. Accordingly, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision. The appellant had to address those concerns in any event.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Paul Cooper

INSPECTOR