The Planning Inspectorate

Costs Decision

Site visit made on 18 August 2020

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd September 2020

Costs application in relation to Appeal Ref: APP/B4215/D/20/3253909
126 Heaton Park Road, Manchester, M9 0QQ

- 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 Andrew Thompson for an award of costs against Manchester City Council.
- The appeal was against the refusal of planning permission for a first floor extension to bedroom on rear elevation.

Decision

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

Reasons

2. Planning Practice Guidance 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 its original Decision Notice did not give any reasons for refusal, which is a requirement of The Town and Country Planning (Development Management Procedure) (England) Order 2015. It is contended that this caused confusion and led the appellant to seek professional planning advice, when they may not have done so had the reasons for refusal been clearly set out.

4. It is clear that the Council made an error when it issued its original Decision Notice. However, it was open to the appellant to query this with the Council and to seek further clarification. The decision to appoint professional planning consultants was not the only course of action in these circumstances. Moreover, it is unclear that the appellant would have pursued an appeal without professional advice had this error not been made. In this regard, the substance of the Council's concerns would have needed to be addressed in any subsequent appeal. Accordingly, I am not persuaded that this error has led to any unnecessary or wasted expense.

5. 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