
Costs Decision

Site visit made on 21 September 2020 by Hilary Senior BA (Hons) MCD MRTPI

by Andrew Owen BA (Hons) MA MRTPI

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

Decision date: 15 October 2020

Costs application in relation to Appeal Ref: APP/B4215/W/20/3255651 The Friendship Inn, 351-353 Wilmslow Road, Manchester M14 6XS

- 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 Hydes Brewery Ltd for a full award of costs against Manchester City Council.
 - The appeal was against the refusal of planning permission for installation of new external canopy.
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Decision

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

Appeal Procedure

2. An Appeal Planning Officer has set out the recommendation below, to which the Inspector has had regard before deciding the application.

Reasons

3. The 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. Costs may be awarded to any party regardless of the outcome of the appeal.
4. The PPG provides examples of unreasonable behaviour by local planning authorities. This includes substantive matters such as preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
5. The application for costs centres on the appellant's concern that the Council acted unreasonably in reaching its decision on the planning application with no detached or impartial analysis of the proposal and was guided by neighbours objections in an attempt to restrict the lawful use of the outside area. The Council, however, considers that the application is fully assessed against relevant planning policies. I agree.
6. The reason for refusal is clear and is consistent with previous decision at the site. Therefore, the Council did not prevent development that should have been permitted. Whilst I appreciate that the appellant does not agree with the outcome of the application, the Council did not behave unreasonably.

7. Consequently, the matter was one of a fundamental disagreement between the parties which could have only been resolved by way of an appeal. As such unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, an award of costs is not justified.
8. For this reason and taking into account all other matters raised, I recommend that the application for costs is refused.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

9. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the application for an award of costs is refused.

Andrew Owen

INSPECTOR