
Costs Decision

Site visit made on 8 December 2020 by C McDonagh BA (Hons) MA MRTPI

by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 January 2021

Costs application in relation to Appeal Ref: APP/B4215/D/20/3259746 20 Deerpark Drive, Manchester M8 0TJ

- 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 Chinar Rashid for a full award of costs against Manchester City Council.
 - The appeal was against the refusal of planning permission for 'a front porch with the size 5m(width)x2m(length) with a maximum height of 3 meters. The roof would be a lean-to roof'.
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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. A local planning authority is at risk of an award of costs for 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. This could also apply to procedural matters, such as where there was a lack of cooperation with the other party.
5. The application for costs centres on the appellant's concern that the Council acted unreasonably in reaching its decision on the planning application. This is on the basis that it suggested the amended proposals would be approved but were subsequently refused, and that similar extensions to that proposed have been approved locally.
6. The planning decision is one which is a matter of judgement having regard to the relevant policies of the development plan and guidance in the National Planning Policy Framework. The officer report makes it sufficiently clear that the Council's objections centre around the effect of the proposed development

on the character and appearance of the host dwelling and local area. This was assessed clearly against the development plan. Moreover, the Council offered the appellant the opportunity to amend the initial proposal, showing cooperation. Regardless of what, if any, assurances were made based on these amendments, the Council is still required to exercise judgement with regards to the decision and were not obliged to approve any amended plans.

7. The PPG is clear that where local planning authorities have exercised their duty to determine planning applications in a reasonable manner, they should not be liable for an award of costs. Where a local planning authority has refused a planning application for a proposal that is not in accordance with the development plan policy, and no material considerations including national policy indicate that planning permission should have been granted, there should generally be no grounds for an award of costs against the local planning authority for unreasonable refusal of an application.
8. 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 PPG, has not been demonstrated. Therefore, an award of costs is not justified.
9. For this reason and taking into account all other matters raised, I recommend that the application is refused.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

10. 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.

Zoe Raygen

INSPECTOR