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## Costs Decision

Site visit made on 15 June 2021

**by Andrew McGlone BSc MCD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 June 2021**

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### **Costs application in relation to Appeal Ref: APP/B4215/W/21/3266765 53 Furness Road, Manchester M14 6LX**

- 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 Samina Saeedullah for a full award of costs against Manchester City Council.
  - The appeal is against a refusal to grant planning permission.
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### **Decision**

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

### **Reasons**

2. The Planning Practice Guidance (the 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. In order to be successful, an application for costs needs to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense. Parties in the appeal process are normally expected to meet their own expenses.
3. The main parties agreed that the area around the appeal property is heavily concentrated by Houses in Multiple Occupation (HMO) despite the variations in the degree of concentration. However, the applicant contends that the Council behaved unreasonably by refusing the planning application without having proper regard to the material considerations in the case. Namely these are various appeal decisions, which in her view, have similar circumstances to those relating to the appeal scheme in terms of Policy H11 of the Manchester Core Strategy being outweighed by the character of the local area being heavily concentrated with HMO's. Thus, it is the applicant's view that the Council's behaviour has caused unnecessary or wasted expense to be incurred.
4. However, the Council also provided a series of appeal decisions to support its position which contrasts the applicants. The Council recognised the contrasting appeal decisions within its Officer Report, albeit without fleshing out the specific details of each case. However, on balance, I am satisfied, based on the Council's Statement of Case, that it was cognisant of the cases referred to by the applicant. As part of its assessment, the Council outlined why it considered the character of Schuster Road and Brailsford Road to be different to the appeal property. Although the applicant may disagree with the Council's appraisal this does not mean that it is incorrect or that they have ignored or dismissed the evidence submitted.

5. The Council did not explicitly address the appeal decisions at 16 Richmond Road. This was an omission, but it did explain that a public park is a short walk away from the appeal property despite the limited private outdoor amenity space that would be on offer. This was a distinguishing feature, based on the submitted evidence, between the decision at 16 Richmond Road and the appeal scheme. As the Council dealt with this matter as part of their case, I do not consider that it has acted unreasonably by not explicitly referring to the decision at 16 Richmond Road.
6. I note the points about how the Council considered the planning application, but I am not of the opinion that the Council has acted unreasonably by not taking the application to the Planning and Highways Committee as it seems to me that the Council had regard to the development plan and material considerations in reaching its decision. If the Council did not follow its usual procedures, then this would be a matter for the applicant to raise directly with the Council in the first instance.

### **Conclusion**

7. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated.

*Andrew McGlone*

INSPECTOR