



Costs Decision

Site visit made on 6 December 2021

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2021

Costs application in relation to Appeal Ref: APP/B4215/D/21/3282561 23 Lakenheath Close, Manchester M20 2WP

- 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 Kevin Short for a full award of costs against Manchester City Council.
 - The appeal was against the refusal of planning permission for the proposed erection of reduced size timber framed garden room/ home office located in rear garden resubmission application 129819/FH/2021.
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Decision

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

Reasons

2. The application for an award of costs was submitted in writing and the content will be familiar to both parties. Consequently, I shall not repeat the submission in full within this decision.
3. Government guidance on the award of costs is set out in the Planning Practice Guidance (PPG). Paragraph 030 of that guidance notes that a party may have costs awarded against them in relation to appeal proceedings if they have behaved unreasonably and that behaviour has led another party to incur unnecessary expense. Those two matters are pre-requisites for an award; if there has been no unreasonable behaviour or no wasted expense an award will not be justified.
4. The applicant seeks an award of costs on the basis that the Council has behaved unreasonably, contrary to case law and legislation. This has resulted in unnecessary extra costs in making the appeal. The applicant states that the Council did not comply with Regulation 7 of the Openness of Local Government Bodies Regulations 2014 [SI 2014 No. 2095] and have referred to a legal judgement¹. They state that the Council did not submit its case officer's report on the Council's portal, therefore the applicant was unable to see and understand the specific reasons for the refusal.
5. The Council highlight that the legal judgement relates to an application granted planning permission whereas the subject appeal relates to a refusal. They state that the reasons for refusal were set out in the decision notice. In addition, the Council assert that they have complied with Regulation 35(1)(b) of the Town and Country Planning (Development Management Procedure) (England) Order

¹ Shasha v. Westminster City Council [2016] EWHC 3283 (Admin)

2015 which requires that a LPA to give reasons for their refusal of an application for planning permission. The Council consider that they have complied with the relevant regulations and the applicant could have requested a copy of the delegated report.

6. Whilst the delegated report does provide greater reasoning, the reason for refusal, alone, provided sufficient evidence to support the Council's stance. The application required an exercise of planning judgement. While I do not agree with the Council's decision, sufficiently robust evidence was submitted to show that the Council did not apply its judgement in an unreasonable manner. Having regard to guidance set out in the PPG, the Council has not behaved unreasonably. Even if the Council had submitted the officer's report on the Council's portal, it is clear that the applicant would have still appealed the decision and thus they would have still acquired costs associated with the appeal.
7. For the reasons set out above I conclude that, the applicant has not shown that the Council's refusal of planning permission was unreasonable and that no wasted or unnecessary expense has been incurred by the applicant in the appeal process. I conclude therefore, that the application for an award of costs should be refused.

L M Wilson

INSPECTOR