
Costs Decision

Site visit made on 7 December 2021

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

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

Decision date: 26 January 2022

Costs application in relation to Appeal Ref: APP/B4215/W/21/3277884 77 Averill Street, Newton Heath, Manchester M40 1PD

- 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 Peter Child (One Heritage Complete) for a full award of costs against Manchester City Council.
 - The appeal was against the refusal of planning permission for the change of use from dwelling house (Use Class C3) to 5 bedroom House of Multiple Occupation (HMO) (Use Class C4) together with installation of rear roof lights.
-

Decision

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

Reasons

2. 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.
3. The applicant's application of costs relies to a substantial extent on the Council's consideration of the proposal and its lack of communication in respect of how the scheme could be amended to overcome its concerns. As a result of this they consider that the Council has failed to adequately consider the planning application.
4. The PPG states that local planning authorities are at risk of an award of costs if there is a lack of co-operation with other party or parties, if they fail to produce evidence to substantiate each reason for refusal or if they rely on vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
5. As set out in my appeal decision, the Council did not dispute that the appeal site was located in an area where there is not a high concentration of Houses of Multiple Occupation. I also found the evidence within the Council's statement of case to adequately set out the consequences of the development and the reasons for refusal, taking account of the relevant policies within the Core Strategy. These included Policies H4, and H11, which amongst other things, prioritise family housing where there is a lack of such provision. Evidence was also provided by the Council's Housing and Residential Growth team to demonstrate the demand for family housing. As such I am satisfied that the scheme was properly considered by the Council and that the reasons for refusal were not unreasonable.

6. Moreover, given the clear divergence in the cases of the two main parties in respect of the principle of development it is unlikely that this matter could have been resolved through discussions or minor amendments. Whilst the Council's communication might have been improved, the outcome is unlikely to have been altered and so the applicant has not been put to unnecessary expense in the appeal process.

Conclusion

7. As a result of the factors above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, an award of costs is not justified.

Mark Caine

INSPECTOR