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

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

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably and that the unreasonable behaviour has caused another party to incur unnecessary or wasted expense in the appeal process.
3. The PPG confirms that an appellant is at risk of an award of costs being made against them if the appeal or ground of appeal has no reasonable prospect of succeeding. This may occur when, amongst other things, the development is clearly not in accordance with the development plan, and no other material considerations such as national planning policy are advanced that indicate the decision should have been made otherwise, or where other material considerations are advanced, there is inadequate supporting evidence.
4. I appreciate that pre-application advice was not sought by the appellant. I have also taken a different view to the appellant in regards to the principle of a change of use from a C3 dwelling house to a C4 HMO. However, I do not consider the appellant's supporting evidence to be so inadequate that it resulted in a clear "no hope" case that had no reasonable prospect of succeeding. I therefore do not consider that the appellant has acted unreasonably in this respect.
5. As such, 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