
Costs Decision

Site visit made on 3 May 2022 by Hilary Senior BA (Hons) MCD MRTPI

Decision by J Hunter BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st May 2022

Costs application in relation to Appeal Ref: APP/B4215/D/21/3288760 449 Wilbraham Road, Manchester, M21 0UZ

- 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 Noreen Aslam against the decision of Manchester City Council.
 - The appeal was against the refusal of planning permission for raising ridge height and loft extension with rear dormer window.
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Decision

1. The application for a costs award 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. The PPG provides examples of unreasonable behaviour by local planning authorities. This includes procedural matters, such as providing information that is shown to be manifestly untrue or inaccurate, or deliberately concealing relevant evidence. It also includes 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, or failure to provide evidence to substantiate the reasons for refusal.
5. The application for costs relating to procedural matters centres on the appellant's concern that the Council acted unreasonably in reaching its decision on the planning application by not communicating between the officers at the Council and delays in communication with the agent. In addition, the appellants raise substantive matters that the proposal does not offend the aims of the policies referred to in the decision notice.

6. The Council contends that they responded to the agents concerns and suggested options to progress the application and that the lines of communication were open.
7. It is not unreasonable for Officers to discuss proposals before coming to a conclusion. Overall, I am not persuaded that the Council has acted unreasonably by preventing development that should have been permitted.
8. On the substantive matter relating to policies the reason for refusal is clear and the delegated report discusses the Councils view that the proposal conflicts with the policies. Therefore, the Council did not prevent development that should have been permitted. Whilst I appreciate that the appellant does not agree with the outcome of the application, the Council did not behave unreasonably
9. 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 on this issue is not justified.
10. For this reason and taking into account all other matters raised, I recommend that the application is refused.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree that the costs award should be refused.

J Hunter

INSPECTOR