The Planning Inspectorate

Costs Decision

Site visit made on 4 November 2022

by Debbie Moore BSc (HONS), MCD, PGDip, MRTPI, IHBC

an Inspector appointed by the Secretary of State

Decision date: 11 November 2022

Costs application in relation to Appeal Ref: APP/B4215/C/22/3303069
31 Elsdon Road, Manchester M13 0TQ

- The application is made under the Town and Country Planning Act 1990, sections 174, 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 Alvisual UK Ltd.
- The appeal was against an enforcement notice alleging the erection of a two-storey side extension and a single-storey rear extension.

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 Council argues that the appeal had no reasonable prospect of succeeding as the development is clearly not in accordance with the development plan. It is claimed that the evidence in support of the appeal was very limited and was not expanded upon by means of an appeal statement. The Council took the time to set out its initial views of the appellant's case in an email dated 18 July 2022, which was sent shortly after the appeal was made. It is indicated that the appeal should not have been pursued in these circumstances and, in doing so, the Council has incurred unnecessary expense.

4. I agree that the appellant's evidence was limited, in parts, and it is clear that the Council had taken the time to explain its position, in particular, why it considered the appeal grounds to be unfounded. However, the appellant has a right of appeal and that was exercised. While I ultimately agreed with the Council, the appeal grounds were not wholly without merit especially the ground (a) appeal which involved planning judgement.

5. Therefore, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Debbie Moore

Inspector