



Costs Decision

Site visit made on 20 January 2023

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2023

Costs application in relation to Appeal Ref: APP/C4235/W/22/3299525 168 Ack Lane East, Bramhall, Stockport SK7 2AA

- The application is made under the Town and Country Planning Act 1990 as amended, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr N A Tahir for a full award of costs against Stockport Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for demolition of existing dwelling and erection of two semi-detached three-storey houses, without complying with a condition attached to planning permission Ref: DC/068779.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The application centres on the applicant's claim that the Council (a) made inaccurate assertions about the proposal's impact, which are not supported by objective analysis and (b) failed to produce evidence to substantiate the reason for refusal.
4. PPG indicates that local planning authorities will be at risk of an award being made against them if they make inaccurate assertions about a proposal's impact unsupported by objective analysis, and fail to produce evidence to substantiate each reason for refusal.
5. I see evidence in the Council's Appeal Statement of a rationale for their position on the impact of the appeal development on the character and appearance of the area, and living conditions of neighbouring residents. The Planning Officer's Report on application Ref: DC/082748 includes consideration of the applicant's analysis of variation in roof heights in the locality. And the Planning Officer's Report and Council's Appeal Statement include analysis of whether the previously illustrated scheme for permission Ref: DC/068779 was considered capable of lawful implementation, in the light of inaccuracies in the earlier street scene drawing.
6. The above indicates a range of information available for Members to draw on, in addition to their knowledge of the locality, to help inform the Area Committee's assessment of the appeal development. This points to an informed

and evidenced analysis for the Council's decision. Within this context, it is not decisively demonstrated that the Committee's scope of questioning amounted to a lack of understanding of the intricacies of the case.

7. It will be clear from my appeal decision that I have reached a different view from the Council regarding the impacts of the appeal development. Nevertheless, Members were not automatically bound to follow the Officer's recommendation to grant permission. Given the importance of integrating the development appropriately in its setting, and some local residents' concerns about the impact of the appeal development on the character and appearance of the area, and the living conditions of neighbouring residents, the Council were entitled to reach their planning judgement on matters of character and appearance, neighbouring living conditions and fallback considerations.
8. To conclude, I find as follows. In relation to matter (a) the Council did not manifestly make inaccurate assertions about the proposal's impact. In terms of matter (b) the Council did not fail to produce evidence to substantiate the reason for refusal. As a result it follows that I cannot agree that the Council has acted unreasonably in this case.

Conclusion

9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated in relation to matters (a) and (b). Accordingly, the application for costs fails.

William Cooper

INSPECTOR