



Costs Decision

Site visit made on 23 August 2023

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

an Inspector appointed by the Secretary of State

Decision date: 04/09/2023

Costs application in relation to Appeal Ref: APP/B4215/C/22/3312428 13 Olney Avenue, Manchester M22 8AB

- 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 Mr Mohammed Sharif for a full award of costs against Manchester City Council.
 - The appeal was against an enforcement notice alleging the erection of extensions.
-

Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, 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 submits that the Council has acted unreasonably through issuing the enforcement notice despite works having stopped on site, and through a failure to seek to resolve matters without formal enforcement action. It is argued that this has resulted in losses and inconvenience.
4. The applicant sought planning permission for extensions to the property and several permissions have been granted. However, the development is not being built in accordance with the plans approved. The Council is within its rights to take enforcement action against the unauthorised works if it considers it expedient to do so, as in this case. The applicant was advised that the works were unauthorised at a relatively early stage in proceedings but has chosen to continue with the construction. The decision to continue building works was taken despite planning permission having been refused for a similar form of development, which was upheld on appeal. The Council has provided evidence of emails and meetings where matters were discussed, and it cannot be argued there has been a lack of engagement by the Council.
5. Overall, there is no evidence that the Council has behaved unreasonably. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

D Moore

Inspector