



Costs Decision

Site visit made on 23 December 2023

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th February 2024

Costs application in relation to APP/B4215/Z/23/3332934

Adjacent site at the junction of Devonshire Street North, Manchester M12 6JR

- 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 Mr Darren Alderson, Billboard Advertisement Limited for a full award of costs against Manchester City Council.
 - The appeal was against the refusal of advertisement consent for the installation of 2 no. internally illuminated digital LED poster sign following removal of existing advert displays.
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Decision

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

Reasons

2. The National Planning Practice Guidance (NPPG) 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 Appellant contends that the appeal proposal is a resubmission of an earlier proposal dismissed at appeal¹ in 2023 albeit revised to take into account the scale of advertisements allowed by a 2019 appeal decision².
4. The Appellant highlights that the Council did not take into account sufficiently the allowed 2019 appeal decision for advertisements on the site. However, the Council refer to the appeal decision in their report. Whilst I understand there is a difference of opinion between parties as to whether the consented scheme is extant, nonetheless the Council were unambiguous in terms of the justification for refusing the proposal.
5. Limited details have been provided to pursue me that the 2019 scheme is extant given the historic advertisements due to be retained have been removed from the site. Notwithstanding this the effect that the proposed advertisements would have on the area in terms of amenity is subjective.
6. The Appellant also contends that the Council would not entertain an amendment to the application during the determination process. There is no obligation for on the Council to accept amendments to an application.

¹ Appeal Ref: APP/B4215/Z/23/3319496

² Appeal Ref: APP/B4215/Z/18/3216997

7. Whilst the Council could have issued a split decision in terms of the proposed advertisements as highlight the Council were unambiguous in terms of their rationale for refusing the scheme.
8. It will be seen from my decision that I agree with the Appellant that there were no sufficient grounds for refusing advertisement consent, however it does not automatically follow that the Council acted unreasonably.
9. As a result, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the National Planning Practice Guidance, has not been demonstrated.

C Pipe

INSPECTOR