



Costs Decision

Site visit made on 5 April 2024

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2024

Costs application in relation to Appeal Ref: APP/B4215/W/24/3336374 38 Rathbourne Avenue, Manchester M9 6PN

- 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 Ms S Kosner of The Cherry Blossom Family for a full award of costs against Manchester City Council.
 - The appeal was against the refusal of the Council for planning permission for the proposed change of use of the dwelling house (Use Class C3(a)) to provide a short term mother and baby (3 mothers) family assistance home (Use Class C2).
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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 considers that the Council's consultee the Manchester City Council Housing Support Team (MCCSHT) wilfully provided the Planning Department with misleading and an incorrect response regarding the accommodation for a Family Assessment Centre. I accept that the consultee response refers to a mother and baby unit and the applicant has repeatedly stated that the proposal should not be compared with that type of facility as it offers a different service. However, MCCSHT are a consultee only and not the decision making authority for the Council regarding planning applications. The Council looked at the accommodation that would be provided and did not base its assessment solely on MCCSHT's comments.
4. Although I have found the standard of accommodation unsatisfactory, this was not the only reason for refusal. I have also found that the living conditions of the occupiers of surrounding properties would be harmed. Although a large number of objections were made to the planning application, I have no evidence that the Council were unduly influenced by these.
5. I am satisfied that the Council based its decision on the information submitted taking into account the accommodation that would be provided within the appeal site and its impact on the occupiers of neighbouring properties. I do not find that it has acted unreasonably in reaching this decision.
6. With regard to the development plan policies and the supply of a range of homes, the Council has stated its reasons for refusal based on adopted development plan policies. Whilst reference to Policy H1 is not made in the

decision notice, it provides an overall strategic view for on the delivery of new housing across the City whilst Policy H3 is more specific to north Manchester where the appeal site is located. I have disagreed with the Council that the loss of this dwelling would harm the availability of family accommodation in the area and have found a lack of evidence to substantiate this. However, my disagreement with the Council's assessment does not equate with the Council behaving unreasonably.

7. My decision sets out the reasons why I have found in favour of the Council in relation to the first and second reasons for refusal but found in favour of the applicant in relation to the third reason for refusal. The Council has provided little evidence to substantiate the third reason for refusal.
8. However, given the harm I have found, the Council has not prevented development that should clearly have been permitted, having regard to the development plan, national policy and other material considerations. Furthermore, I am not convinced that the applicant has incurred unnecessary or wasted expense in dealing with this reason for refusal.
9. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

J D Clark

INSPECTOR