



Costs Decision

Site visit made on 21 January 2025

by **D Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 JANUARY 2025

Costs application in relation to Appeal Ref: **APP/C4235/C/24/3342692**

- 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 Samad Niroomandfard for a full award of costs against Stockport Metropolitan Borough Council.
- The appeal was against an enforcement notice alleging without planning permission, replacement of wooden sliding sash windows to the first floor of Shaw Road elevation of the property and the replacement of the ground floor front existing conservatory extension windows and door with metal framed windows and door.

6-8 Shaw Road, Heaton Moor, Stockport, SK4 4AE

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 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 makes the claim that the Council has acted unreasonably in that the development does not cause planning harm. The appellant also claims that the Council has not visited the site as it has referred to a single-storey side extension in its officer report and this was demolished a few years ago. The appellant also claims that the Council has misdirected itself in terms of the material used in the original front conservatory. The appellant also states that the steps in the notice are excessive and hence are unreasonable. Moreover, he states that the Council did not raise a concern about the first-floor windows when it considered a planning application for the site, and finally that the wording of the notice is not precise.
4. No ground (a) appeal and deemed planning application was lodged in respect of the appeal that is the subject of this application for costs. While the Council did refer to a single-storey side extension in a planning application officer report, I do not find that this means that officers have never visited the site. I find that this is likely to have been an error, and, even if I were to put this down to 'unreasonable behaviour', there is no evidence to indicate that this has resulted in the appellant wasting expense in the appeal process. There is nothing to suggest that the Council officers did not visit the site in respect of the subject appeal.
5. On the evidence that is before me, I have considered the original front conservatory and have reached a planning judgement as part of the ground (c) appeal. As per my decision, it is important to emphasise that the onus is on the appellant to make

his case on any legal grounds of appeal. In respect of this matter, I do not find that the Council has behaved unreasonably and hence this is not a matter that has led to the appellant incurring wasted expense in the appeal process.

6. I have also considered whether the steps in the notice are excessive as part of the ground (f) appeal. In respect of the breach of planning control, the evidence is that the Council acted reasonably in terms of the requirements of the notice which were in place to remedy the breach of planning control. I do not therefore find that the appellant has incurred wasted expense in the appeal process.
7. I have considered the wording of the notice in my decision. For the reasons outlined, I find that it has sufficient/reasonable precision. It is not hopelessly vague or imprecise. Moreover, it is clear from the evidence that the appellant was fully aware of what the notice was attacking. I therefore do not find that the Council has displayed unreasonable behaviour, or that the appellant has incurred wasted expense in the appeal process.
8. This costs application relates to appeal reference APP/C4235/C/24/3342692. The appellant makes comments about a separate planning application and the reasons which led to that planning permission being refused. The Council was entitled to reach a decision that it was expedient to take enforcement action in respect of the unauthorised first-floor windows. Any claimed lack of any mention of the first-floor windows as part of the consideration of a separate planning application does not prohibit the Council from taking enforcement action where it considers it to be expedient to do so.
9. Overall, I do not find that the Council has displayed unreasonable behaviour in substantive or procedural terms which has led to the appellant incurring unnecessary or wasted expense in the appeal process.

Conclusion

10. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

D Hartley

INSPECTOR