
Costs Decision

Site visit made on 17 February 2026

by **M Ollerenshaw BSc(Hons) MTPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27th February 2026

Costs application in relation to Appeal Ref: APP/B4215/C/25/3366978

Land at 72 Wilmslow Road, Manchester, M14 5AL

- 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 S Kamani, SSH Property Investments Limited for a full award of costs against Manchester City Council.
 - The appeal was against an enforcement notice alleging without planning permission, the erection of a front canopy extension.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (the PPG) advises that costs may be awarded against a party who has behaved unreasonably, in either a substantive or procedural way. The power to award costs relates only to those costs necessarily and reasonably incurred in the appeal process.
3. The Council seeks a full of award of costs on the basis that the appellant, despite being professionally represented, pursued a ground (f) appeal which had no prospect of success in the absence of a concurrent ground (a) appeal, thereby causing the Council to incur unnecessary expense in the appeal process.
4. Appellants are required to exercise the right of appeal in a reasonable manner. According to the PPG paragraph 053, an appellant will risk an award of costs being made against them on substantive grounds if their appeal had no reasonable prospect of succeeding.
5. The appellant refers to s118 of the Land Use (Amendment) Regulations 2024 which restricted the circumstances in which a ground (a) appeal may be brought where a planning application has already been refused. As a result of this legislative change, the appellant was unable to appeal under ground (a). The appellant therefore argues that the judgment¹ cited by the Council was considered in a different legislative context to the appeal and does not preclude ground (f) being considered in this case. However, s118 of the Land Use (Amendment) Regulations 2024 does not alter the well established legal position that, without a ground (a) appeal, a ground (f) appeal seeking lesser steps that would result in a grant of deemed planning permission cannot succeed.

¹ *Miaris v SSCLG & Bath & NE Somerset Council* [2016] EWCA1564 (Admin)

6. The appellant's ground (f) submissions refer to the merits of an alternative scheme which would require the benefit of planning permission. However, a ground (f) appeal examines only whether the steps in the notice exceed what is necessary to remedy the breach or any resulting injury to amenity. Although the appellant considers that the notice seeks to remedy the alleged injury to amenity, it is clear that by requiring the removal of the unauthorised works and reinstatement of the building to its previous condition, the purpose of the notice is to remedy the breach of planning control. Any lesser steps would not achieve the purpose of the notice and cannot be accepted through a ground (f) appeal.
7. While the appellant sets out the reasons why they consider an alternative scheme to be acceptable, it is unclear from their evidence why they consider the specific requirements of the notice to be excessive given that these are the minimum necessary to remedy the breach of planning control.
8. For the reasons set out in my decision, I have found that the appellant's suggestion that the notice is invalid because of the reference to drawing ENF/01 in the requirements is also without foundation.
9. Accordingly, I find that the appeal had no reasonable prospect of succeeding and it was therefore unreasonable for the appellant to have pursued it. This caused the Council to incur unnecessary expense in dealing with the appeal, including in preparing a statement of case and an application for costs.

Conclusion

10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated and that a full award of costs is justified.

Costs Order

11. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Mr S Kamani, SSH Property Investments Limited shall pay to Manchester City Council, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
12. The applicant is now invited to submit to Mr S Kamani, SSH Property Investments Limited, to whose agent a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

M Ollerenshaw

INSPECTOR