



Costs Decision

Site visit made on 3 December 2025

by **David Jones BSc (Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 March 2026

Costs application in relation to Appeal Ref: APP/B4215/C/24/3354506 140A Kirkmanshulme Lane, Manchester M12 4TF

- 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 Manchester City Council for a full award of costs against Mr Riaz Butt.
 - The appeal was against an enforcement notice alleging the material change of use of the land to a coach and minibus depot and garage for vehicle repairs and erection of a canopy.
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Decision

1. The application for a full 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 word “unreasonable” is used in its ordinary meaning as established by the courts¹. In the context of an application for an award of costs, unreasonable behaviour may be either procedural - relating to the process, or substantive – relating to the issues arising from the merits of the appeal.
4. Despite seeking a full award of costs, the applicant’s case is only made in relation to the appellant’s ground (b), (c), and (d) appeals. In respect of the ground (b) appeal it is considered that the appellant failed to substantiate the claim that the breach of planning control had not occurred, instead claiming that the material change of use and the canopy were immune from enforcement action (under the ground (d) appeal), whilst also seeking planning permission (under the ground (a) appeal) for the development. Consequently, the applicant argues that the ground (b) appeal should not have been made.
5. Regarding the “hidden” ground (c) appeal, the applicant contends that as the appellant was professionally represented his appeal submissions should have been structured better, with the ground (c) appeal made from the outset. By virtue of the late addition of the “hidden” ground (c) appeal, it is argued that the applicant was required to spend additional time reviewing documents and further delays caused.
6. It is not uncommon for appellants to conflate ground (b) with ground (c). Indeed, Inspectors occasionally deal with these two grounds of appeal together rather than trying to disentangle them. It is important to note that the enforcement notice did

¹ Manchester City Council v SSE & Mercury Communications Limited [1988] JPL 774

not just allege a material change of use of the land to a coach and minibus depot, but also to a “*garage for vehicle repairs*”. It was the alleged “*garage for vehicle repairs*” that was the primary focus of the appellant’s ground (b) appeal, as it was not disputed that a coach and minibus depot was operating from the appeal site nor that a canopy had been erected.

7. Whilst the appellant’s case that the vehicle repairs taking place at the site were “*minor*” and a “*servicing aspect of the appellant’s own fleet, such that the use is incidental*” should have been made under ground (c), it is understandable why it was claimed that the alleged breach of planning control (in respect of the material change of use) had not occurred.
8. Furthermore, whilst the ground (c) appeal was not formally added until late in the appeal process, the appellant did not submit any new evidence or information and consequently the Council did not have any additional material to consider beyond that which was already before them. The appellant was also perfectly entitled to make an appeal under ground (a) in respect of any or all the matters alleged in the notice. I therefore do not consider that the appellant has acted unreasonably in this regard.
9. The applicant also argues that the appellant’s ground (d) appeal had little chance of success in relation to the material change of use of the land to a “*coach and minibus depot and garage for vehicle repairs (Sui Generis)*”. This is on the basis that the appellant could not support his claim that an intervening material change of use had not occurred in around September 2020, thus breaking the ten-year immunity period being claimed.
10. However, as can be seen from the appeal decision, I agreed with the appellant that neither the parking of vehicles belonging to UK Breakdown Recovery Services Ltd, nor the carrying out of minor repairs to his own coaches and minibuses, amounted to a material change of use of the land. As a result, the primary use of the appeal site had continued as a coach and minibus depot pursuant to the planning permission granted on 9 September 2010².
11. Whilst the above finding led to the appeal being allowed under ground (c) in relation to the material change of use of the land, had it been necessary to consider the use of the land as a “*coach and minibus depot*” under ground (d), the appeal would have succeeded on the basis that the use had continued since at least 2010.

Conclusion

12. Therefore, for the reasons set out above, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

David Jones

INSPECTOR

² Council Ref: 093742/FO/2010/N2