
Costs Decision

Site visit made on 3 June 2026

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

an Inspector appointed by the Secretary of State

Decision date: 03 June 2026

Costs application in relation to Appeal Ref: APP/B4215/C/25/3368799

8 James Leach V C Road, Manchester, M40 7PW

- 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 Vikram Goyal.

The appeal was against an enforcement notice alleging without planning permission, the erection of a dormer to the rear and the erection of a part single/part two-storey rear extension.

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 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. Unreasonable behaviour may be procedural relating to the appeal process, or substantive relating to the issues arising from the appeal.

Ground (c) appeal

3. The Council's costs application in respect of the appellant's ground (c) appeal is that this was unreasonably pursued when the appellant's own evidence demonstrates that he was aware that permitted development rights had been removed in respect of extensions, including roof alterations, under condition 22 of planning permission 117055/FO/2017 relating to the approval of the original dwellinghouse on the land. Moreover, and despite the dispute about whether the materials used in the part single, part two-storey rear extension 'matched' those used on the original dwellinghouse, the appellant unreasonably pursued the appeal knowing that the two-storey part of the rear extension was not in accordance with planning permission 140201/FH/2024 in terms of its height/roof pitch.
4. The onus was on the appellant to make his case that the matters alleged did not constitute a breach of planning control. The appellant's only claim in respect of the ground (c) appeal was that the materials used in respect of the rear extension did match the original dwellinghouse. My site visit revealed that not to be the case and, moreover, the appellant offered no evidence to indicate that the rear extension had been built fully in accordance with planning permission 140201/FH/2024, or that the dormer was permitted development in the context of the removal of roof alteration permitted development rights in condition 22 of planning permission 117055/FO/2017.

5. On the evidence that is before me, the appellant's ground (c) appeal did not have a prospect of success. The ground (c) appeal has not been reasonably substantiated by the appellant. Consequently, I conclude that unreasonable behaviour has been demonstrated, and the Council has been put to unnecessary and wasted expense in the appeal process.

Ground (f) appeal

6. The Council's costs application in respect of the appellant's ground (f) appeal is that there was not a prospect of success in the absence of a ground (a) appeal and a deemed planning application. In effect the appellant has sought to claim that the walls of the rear extension fully match the original dwellinghouse. This claim has not been reasonably substantiated. In any event, this was not a matter that was relevant to the consideration of the ground (f) appeal.
7. Moreover, I consider that the appellant, who is professionally represented, should have known that it was not possible for me to consider the planning merits of an alternative scheme of development in the absence of a ground (a) appeal and a deemed planning application. While the alternative scheme may have been included when the ground (a) appeal was originally pleaded (the ground (a) appeal was subsequently barred), it was incumbent upon the appellant to have reviewed his position and considered withdrawing the ground (f) appeal at a very early stage.
8. On the evidence that is before me, the appellant's ground (f) appeal did not have a prospect of success. The ground (f) appeal has not been reasonably substantiated by the appellant. Consequently, I conclude that unreasonable behaviour has been demonstrated, and the Council has been put to unnecessary and wasted expense in the appeal process.

Costs Order

9. 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 Vikram Goyal 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. The applicant is now invited to submit to Mr Vikram Goyal, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

D Hartley

INSPECTOR