



Costs Decision

Site visit made on 17 December 2025

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th June 2026

Costs application in relation to Appeal Ref: APP/B4215/C/25/3368073

Land at 133 Beech Road, Manchester M21 9EQ

- 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 Mahmut Tutan.
 - The appeal was against an enforcement notice alleging without planning permission, the erection of single-storey timber canopy structures.
-

Decision

1. The application for an award of costs is refused.

Procedural matters

2. The Planning Practice Guidance (PPG) advises that applications for costs should be made as soon as possible and, for appeals following the written representations procedure, no later than the final comments stage. Nevertheless, on behalf of the Secretary of State, I have a discretionary power to accept late applications for an award of costs.
3. The appeal was started as an inquiry and was subject to a procedure change following a review of the parties' statements of case. This resulted in the appeal following the written representations procedure and a bespoke timetable was then set out for the remainder of the appeal process, with the parties invited to submit supplementary statements, and final comments no later than 22 October 2025.
4. This application for an award of costs was submitted on 23 October 2025, one day after the deadline for final comments. However, the change of procedure and subsequent bespoke timetable appears to have caused some confusion as to the deadline for the submission of any applications for costs. Furthermore, as part of the revised timetable, this deadline was not clearly set out. Therefore, despite being submitted a day late, I will accept the application for an award of costs and the respondent has been given sufficient time to provide a reply.

Reasons

5. Parties in planning appeals normally meet their own expenses. However, the 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.
6. The PPG states that the right of appeal should be exercised in a reasonable manner. An appellant is at risk of an award of costs being made against them if the appeal or ground of appeal had no reasonable prospect of succeeding.

7. The Local Planning Authority (LPA) asserts that the appellant has acted unreasonably in pursuing the appeal on ground (d) because the totality of their evidence is, in its view, ambiguous, and undermined by contradictory witness evidence. It also points to its own photographic evidence, which it claims to substantially undermine the appellant's case.
8. Therefore, it is of the view that the appellant's ground (d) appeal is obviously misconceived and should never have been made because it had no reasonable prospect of success.
9. It can be seen from my decision that I agree with the LPA's position in relation to the merits of the ground (d) appeal. I have found the appellant's evidence to be either not sufficiently precise and unambiguous, or to be contradicted by other evidence. Whilst I have found that the appellant has not sufficiently made out their case, on the balance or probability, this was not a foregone conclusion.
10. The appellant has provided substantive evidence in the form of supporting letters, statutory declarations, and dated photographs and other images, in an attempt to support their view that the structures were substantially completed by the relevant date, and so immune from enforcement action. For reasons that I will not repeat here, I have found this evidence to be deficient. However, the appellant was entitled to make the appeal, and to have his evidence scrutinised through the appeal process.
11. For these reasons, I cannot agree that the appellant has acted unreasonably in this case. Consequently, there can be no question that the applicant incurred unnecessary or wasted expense.

Conclusion

12. I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated, and therefore an award of costs is not justified.

J M Tweddle

INSPECTOR