



Costs Decision

Site visit made on 20 November 2024

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2024

Costs application in relation to Appeal Ref: APP/B4215/D/24/3352083 14 Abberton Road, Manchester, M20 1HU.

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Kristian Sparrow for a full award of costs against Manchester City Council.
 - The appeal was against the refusal of planning permission for a single storey extension to rear, hip to gable roof extension and installation of rear roof dormer to provide additional living accommodation.
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Decision

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

Reasons

2. 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.
3. Local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing planning applications, or by unreasonably defending appeals.
4. Examples of behaviour that may give rise to a substantive award of costs include where a local planning authority has failed to produce evidence to substantiate its reasons for refusal on appeal; and where vague, generalised, or inaccurate assertions have been made about a proposal's impact, which are unsupported by any objective analysis. The appellant is seeking an award of costs for these reasons. The Council was invited to comment on the appellant's claim, but made no response.
5. In my decision, I gave consideration and weight to Policy H11 of the Manchester Core Strategy (which I consider to be the most relevant to the appeal), which does allow for a subjective analysis of a proposal. Nevertheless, I consider that the Council failed to provide any substantive evidence to justify its decision. Furthermore, it did not appear to consider the fact that an increase in occupants (beyond 6 in number) would require planning permission. I note that the officer's report stated that "there would be no way of preventing the expansion of the HMO," but that is not the case.
6. For the above reasons, I conclude that it was necessary for the appellant to appeal and therefore, I find that unreasonable behaviour resulting in

unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a full award of costs is justified.

Costs Order

7. 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 Manchester City Council shall pay to Mr Kristian Sparrow, the costs of the appeal proceedings described in the heading of this decision. Such costs shall be assessed in the Senior Courts Costs Office, if not agreed.
8. The applicant is now invited to submit to Manchester City Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Ian McHugh

INSPECTOR