



Costs Decision

Site visit made on 7 November 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 December 2023

Costs application in relation to Appeal Ref: APP/B4215/W/23/3318645 Unit 6, 6 Longden Road, Manchester M12 5SR

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr Stoyan Ishoviyarov of Autostar Motors Ltd for a full award of costs against Manchester City Council.
- The appeal was against the refusal of planning permission for the sub-division of an existing commercial unit to form vehicular repair garage (Class B2) and retention of light industrial unit (Class E), together with the provision of a vehicle parking area/forecourt to the front and low frontage dividing wall to separate the two forecourts created.

Decision

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

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.
3. The appellant contends that the Council has behaved unreasonably on a substantive basis as it has sought to rely on vague, generalised and inaccurate assertions which are not supported by any objective analysis. It thus prevented or delayed development which should clearly be permitted having regard to the development plan, national policy and other material considerations.
4. Whilst the appointment records show that a small number of vehicles are repaired each day, they do not demonstrate that vehicles associated with the appeal use are not, on occasion, parked or repaired on the highway. Accordingly, the Council could not dismiss the concerns raised within the third-party representations as being solely associated with other vehicle repair business operating within the same building. Furthermore, the weighting the Council attaches to the representations, as well as the consultation responses and the submitted Acoustic Planning report, is a matter for its judgement.
5. It will be seen for the reasons set out in my appeal decision, that I have not agreed with the Council as I consider planning conditions would mitigate the adverse effects of the development. I came to that decision based on my consideration of the details and merits of the development, having regard to all the evidence and other matters raised. However, these are matters of planning judgement. The Council's case is reasoned with reference to consultees, the third-party representations and the Council's own on-site observations. The

Council has therefore provided a substantive and reasonable case to justify its decision, which it was entitled to take.

6. The evidence before me does not lead me to conclude that the Council attributed undue weight to the representations it received. There is no substantive evidence that demonstrates that the concerns raised by third parties relate to vehicle repair garages that are unauthorised. Furthermore, there is nothing before me that suggests if any such beaches of planning control had been rectified that the Council would have considered the appeal development more favourably.
7. I appreciate that the appellant does not agree with the outcome of the application. However, there is no evidence to suggest that the Council have unreasonably prevented or delayed the development, particularly when it is noted that the application was retrospective and the use of the premises as a vehicular repair garage had commenced.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Elaine Moulton

INSPECTOR