
Costs Decision

Site visit made on 26 July 2019

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st August 2019

Costs application in relation to Appeal Ref: APP/Q4245/D/19/3228576 13 Lowton Road, Sale M33 4LD

- 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 Walker for a full award of costs against Trafford Council.
 - The appeal was against the refusal of planning permission for a part double storey side extension and part single storey rear extension to dwelling at 13 Lowton Road.
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Decision

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

Reasons

2. Paragraph 030 of the Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expenses in the appeal process.
3. Paragraph 049 of the PPG states that examples of unreasonable behaviour by local planning authorities include failure to produce evidence to substantiate each reason for refusal and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by an objective analysis.
4. The appellant states that the Council's decision was '*poor and imprecise*' but does not go on to explain why this is considered to be the case. The reasons for refusal set out in the decision notice are complete, specific and relevant to the application. It also clearly states the policies of the Trafford Local Plan Core Strategy, 2012 that the proposal would be in conflict, as well as the National Planning Policy Framework and guidance in the relevant Supplementary Planning Document. The Officer Report demonstrates sufficiently through a considered assessment how the proposal would cause harm to the living conditions of No 15 Lowton Road and the character and appearance of the area.
5. Accordingly, I do not consider the Council failed to properly evaluate the application and therefore the appeal could not have been avoided. I have found that the Council had reasonable concerns about the impact of the proposed development which justified its decision.
6. The appellant also refers to an uncharacteristic length of time for the Council to come to a decision. However, the evidence provided by the Council in response to this application for costs shows a continued dialogue with the

appellant to seek to resolve the concerns raised. In the absence of any evidence to the contrary, I am not persuaded that the Council behaved at all unreasonably in this regard.

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

R. Jones

INSPECTOR