



Costs Decision

Site visit made on 1 March 2021

by Zoë Franks Solicitor

an Inspector appointed by the Secretary of State

Decision date: 30th March 2021

Costs application in relation to Appeal A: APP/U4230/C/20/3260866 110 Neville Road, Salford, M7 3PL

- 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 Mr Yonathan Khan for a full award of costs against Salford City Council.
 - The appeal was against an enforcement notice alleging without planning permission the erection of a boundary fence, associated posts and gates to the front of the property.
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Costs application in relation to Appeal B: APP/U4230/X/20/3264531 110 Neville Road, Salford, M7 3PL

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Yonathan Khan for a full award of costs against Salford City Council.
 - The appeal was against the refusal of a certificate of lawful use or development for a fence above 1m high.
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Decision

1. The applications for the award of costs in Appeals A and B is refused.

Reasons

2. Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs can only be awarded where a party has behaved unreasonably and that unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. The applicant is seeking a full award of his costs in Appeals A and B on the basis that the Council should not have served the enforcement notice and that their decision to refuse the LDC application was not well-founded as the no enforcement action could be taken regarding the development. The applicant's argument seems to be that the service of the notice and the refusal of the LDC application was therefore unreasonable and caused the appeals and the unnecessary costs.
4. The applicant was not successful in Appeal A or B. The Council was not unreasonable in serving the notice or in refusing the LDC application as the applicant has not proven during the appeal, or indeed on the evidence submitted relating to the Council's investigations, on the necessary balance of

probabilities that no enforcement action could be taken in respect of the breach of planning control.

5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Zoë Franks

INSPECTOR