
Costs Decision

Site visit made on 10 August 2021

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 08 October 2021

Costs application in relation to Appeal Ref: APP/Q4245/W/21/3273637 385 Northenden Road, Sale M33 2PG

- 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 Amanda Jones for a full award of costs against Trafford Metropolitan Borough Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for planning permission for 'Erection of a timber single storey granny annexe for ancillary use to the main dwelling'.
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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 ('PPG') explains how costs may be awarded against a party who has behaved unreasonably, and thereby directly caused another party to incur unnecessary expense at appeal.
3. Paragraph 49 of the PPG¹ makes clear that local planning authorities are at risk of an award of costs if they prevent or delay development that should clearly be permitted, fail to produce evidence to support each reason for refusal on appeal, or make vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The applicant's case for a full award of costs is that the Council failed to make a decision within a reasonable time frame and provided little in the way of updates with regard to the progress of the application.
5. The PPG sets out that if it is clear that a local planning authority will fail to determine an application within the time limits, it should give the applicant a proper explanation. From the evidence before me, this appears to have been done, with the applicant stating that the Council requested amended plans, additional detail and informed them of the need to consult the occupiers of neighbouring properties.
6. Although it may have been limited, it is clear to me that there was communication between the Council and the applicant during this time. Whilst the delay in determining the application is regrettable, it is nonetheless apparent that there was reasonably regular contact during the application

¹ Reference ID: 16-049-20140306

process. Furthermore, the Council provided its evidence within the requisite appeal timescale. I therefore find no unreasonable behaviour by the Council in this respect.

Conclusion

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

Paul Martinson

INSPECTOR

