



Costs Decision

Site visit made on 2 November 2021

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2021

Costs application in relation to Appeal Ref: APP/U4230/W/21/3274923 600 Liverpool Road, Irlam M44 5AA

- 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 Scott Camm (Scott Camm Building) for a full award of costs against Salford City Council.
 - The appeal was against the refusal of planning permission for Demolition of the Railway Inn and erection of 6 no.1 bedroom and 6 no. 2 bedroom apartments parking provision, cycle storage and re-cycling bin enclosure, together with site landscaping.
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Decision

1. The application is dismissed.

Reasons

2. Paragraph 030 of the Planning Practice Guidance (PPG) indicates 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. Examples of unreasonable behaviour by Local Planning Authorities are set out in Paragraph 049 of the PPG.
4. The applicant considers that the Council have acted unreasonably, precipitating the need to enter the appeal process. Concerns which could have been dealt with by condition or consultation were not expressed promptly, and the Council unfairly steered the application to withdrawal and resubmission without due cause.
5. The Council states that the application was unacceptable for design and amenity reasons and the changes required were more than a minor amendment to the proposal. The Council offers a pre-application service, but the applicant did not utilise that service and the Council must deal with applications with regard to Paragraph 47 of the National Planning Policy Framework and determine applications in accordance with the development plan, with decisions being made as quickly as possible unless a longer period has been agreed in writing. Both reasons for refusal are material planning considerations.
6. I find that the Council's reasons for refusal are complete, precise, specific and relevant to the application. They clearly state the policies of the Development Plan and all other relevant matters that the proposal would conflict with. The reasons for refusal are adequately substantiated by the Council in the officer report and they have exercised their planning judgement. I agree with the

Council that the proposal does not comply with development plan policy and I am satisfied that sufficient consideration was given to the proposal when the planning application decision was made.

7. Whilst I appreciate that the applicant does not agree with the outcome of the application, the Council were not unreasonable in coming to that decision and there is no evidence to suggest that they have unreasonably prevented or delayed the development.
8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. For this reason, an award for costs is therefore not justified.

Paul Cooper

INSPECTOR