
Costs Decision

Site visit made on 3rd May 2022 by Hilary Senior BA (Hons) MCD MRTPI

Decision by J Hunter BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st May 2022

Costs application in relation to Appeal Ref: APP/Q4245/D/21/3286668 16 Cornbrook Grove, Old Trafford, Manchester, M16 7PQ

- 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 R Awan against the decision of Trafford Metropolitan Borough Council.
The appeal was against the refusal of planning permission for erection of rear conservatory.
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Decision

1. The application for a costs award is refused.

Appeal Procedure

2. An Appeal Planning Officer has set out the recommendation below, to which the Inspector has had regard before deciding the application.

Reasons

3. The Planning Practice Guidance (PPG) 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. Costs may be awarded to any party regardless of the outcome of the appeal.
4. The PPG provides examples of unreasonable behaviour by local planning authorities. This includes procedural matters, such as providing information that is shown to be manifestly untrue or inaccurate, or deliberately concealing relevant evidence. It also includes substantive matters, such as preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations, or failure to provide evidence to substantiate the reasons for refusal.
5. The application for costs centres on the appellant's claim that the Council Officers did not visit the site before reaching a decision preventing the appellant from giving detailed medical information to the Council. It is argued that this was unreasonable behaviour that resulted in an unnecessary appeal and thus costs being incurred.

6. The Council has confirmed, in its appeal documents that a site visit was completed at the time and used to review the application. The site was viewed from both Mellor Close to the rear and Cornbrook Grove itself.
7. Whilst the appellant was unable to discuss the planning application and pass on additional sensitive information, I do not consider that the Council behaved unreasonable in determining the planning application.
8. Consequently, the matter was one of a fundamental disagreement between the parties which could have only been resolved by way of an appeal. As such unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, an award of costs on this issue is not justified.
9. For this reason and taking into account all other matters raised, I recommend that the application is refused.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

10. I have considered all submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree that the costs award should be refused.

J Hunter

INSPECTOR