

Costs Decision

Site visit made on 26 September 2023

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th October 2023

Costs application in relation to Appeal Ref: APP/Q4245/W/23/3320581 Land East of Deansgate Lane, Timperley, Altrincham

- 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 Peter Bishop for a full award of costs against Trafford Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for the development described as “proposed residential development”.
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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 (‘the 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.
3. The application relies on the fact that the Council have based their reason for refusal upon matters which were outside the scope of an outline application with all matters reserved except access; the Council failed to consider that the appeal site is currently entirely hardcore, utilised for car parking and storage containers; and the Council did not substantiate their reason for refusal.
4. Although “layout” is reserved for subsequent approval, it is entirely reasonable for the Council, in determining whether the appeal site could accommodate three dwellings, to take into consideration the potential layout of the proposal and its effect on the character and appearance of the area. Furthermore, it was acceptable for the Council to conclude that the provision of a single access point would result in an area of hardstanding to the front of the appeal site and while an alternative layout could be submitted at the reserved matters stage, it would still necessitate an area of hardstanding to facilitate the required parking and turning areas. Therefore, it was reasonable for the Council to consider the impact this area of hardstanding could have on the character and appearance of the area. The acceptability or otherwise of the proposed development on the character and appearance of the surrounding area is a matter of subjective judgement. Although it can be seen from my decision that I do not share the Council’s view, this does not constitute unreasonable behaviour on behalf of the Council.
5. I acknowledge that the Council’s request for the applicant to provide amended illustrative drawings of the proposed layout was the incorrect approach to take, particularly as “layout” was to be determined at the reserved matters stage.

However, I am not persuaded that this led to unnecessary or wasted expense in the appeal process.

6. The Council acknowledge the current condition of the appeal site within the officer report and therefore, it was fully aware of its appearance when undertaking its assessment. Furthermore, the Council was conscious of a previous Inspector's decision¹ at the appeal site for 4 dwellings whereby the harm to the character and appearance of the area was not outweighed by the existing condition of the site. Consequently, I am not persuaded that the Council's failure to explicitly compare the proposal to the appeal site's existing condition would have meant that an appeal would not have been necessary.
7. The reason for refusal, as set out in the decision notice, is complete, precise, specific and relevant to the application. It also clearly states the policy of the Trafford Local Plan: Core Strategy, adopted 2012 that the proposal would be in conflict. Further explanation and clarification is provided within the officer report and within the Council's subsequent appeal statement. I therefore consider the Council has fully substantiated their reason for refusal.

Conclusion

8. I therefore find that unreasonable behaviour by the local planning authority, resulting in unnecessary and wasted expense, as described in the PPG, has not been demonstrated.

A Berry

INSPECTOR

¹ Appeal Ref APP/Q4245/W/22/3294661