



Costs Decision

Site visit made on 5 April 2024

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 May 2024

Costs application in relation to Appeal Ref: APP/U4230/W/23/3327816 at Crosslands Road, Boothstown, Salford M28 1JH

- 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 Stuart Broadbent for a full award of costs against the Council of the City of Salford.
 - The appeal was against the refusal of outline planning permission for access to the site to allow 1 no new build 3 bed dormer bungalow 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) 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 applicant considers that the reasons for refusal are unreasonable as they relate to matters that would be addressed at the reserved matters stage and the principle of development is established. He considers that the refusal of the application has resulted in an unnecessary appeal submission and costs being incurred.
4. The application followed a previous planning application and pre-application advice. The application required an exercise of planning judgement. Whilst the illustrative plans are not part of the formal proposal and there may be alternative ways of developing the site, they are useful in assessing how the site could be developed.
5. My decision sets out the reasons why I have found in favour of the Council in relation to the first and second reasons for refusal but found in favour of the applicant in relation to the third reason for refusal. The Council has provided little evidence to substantiate the third reason for refusal given the outline nature of the proposal.
6. However, given the harm I have found, the Council has not prevented development that should clearly have been permitted, having regard to the development plan, national policy and other material considerations. Furthermore, I am not convinced that the applicant has incurred unnecessary or wasted expense in dealing with this reason for refusal.

7. For the reasons set out above, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not occurred and an award of costs is not warranted.

J D Clark

INSPECTOR