



Costs Decision

Site visit made on 23 July 2024

by D Moore BSc (HONS), PGDip, MCD, MRTPI, IHBC

an Inspector appointed by the Secretary of State

Decision date: 2 August 2024

Costs application in relation to Appeal A: APP/Q4245/C/24/3338156 and Appeal B: APP/Q4245/C/24/3338157

133 Park Road, Timperley, Altrincham WA15 6QQ

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Trafford Council for a partial award of costs against Mrs Reena Sharma and Mr Chand Sharma.
 - The appeal was against an enforcement notice alleging a breach of conditions.
-

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 Council is seeking a partial award of costs for time spent dealing with the appeals on grounds (c) and (d), and for time spent reviewing what is described as repetitive evidence submitted in relation to the ground (a) appeal. The Council claims the Appellants submitted a statement of case with no additional substance to that already considered and pursued hopeless grounds of appeal. It is argued that this amounted to unreasonable behaviour and wasted expense.
4. The Appellants maintain that they provided facts supported by evidence in relation to all grounds of appeal.
5. The Appellants evidence included arguments relating to the lawfulness of the conditions which the Council sought to enforce. These were valid points which I considered as part of the ground (c) appeals. The ground (d) appeals were based on a misunderstanding of the relevant time periods for a breach of condition. Although the ground (d) appeals could not succeed, the misunderstanding does not constitute unreasonable behaviour. I do not consider that the appeals on grounds (c) and (d) were bound to fail from the outset, therefore.
6. The ground (a) appeal required me to make a planning judgement on whether the unauthorised windows resulted in harm to the neighbour's living conditions. The parties held different views and the Appellants provided evidence to support their arguments. While there may have been repetition, it is not unreasonable for the Appellants to maintain their arguments during the appeal process.

7. The disagreement over the alleged harm was known and understood from the enforcement investigation and related correspondence. As explained, the success or otherwise of this ground of appeal would be based on planning judgement. Although I found the development had resulted in a material loss of privacy, the appeal was not bound to fail, and the Appellants were not unreasonable in pursuing their arguments.
8. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

D Moore

Inspector