



Costs Decision

Site visit made on 21 March 2025

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 April 2025

Costs application in relation to Appeal Ref: APP/Q4245/W/24/3353139

61 Cressingham Road, Stretford, Trafford M32 9DJ

- 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 Mrs Jade Hardisty for a full award of costs against Trafford Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for change of use of from residential, to mixed use residential and day nursery.
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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 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's cost claim is on the grounds that the Council behaved unreasonably, both substantively and procedurally, resulting in unnecessary expense associated with the appeal.
4. In terms of the procedural matters, the applicant claims that the Council were reluctant to determine the planning application and advised the applicant to withdraw the application without undertaking a site visit. It is also stated that the Council failed to provide sufficient updates on the application, did not communicate its concerns with the submitted Noise Impact Assessment¹ (NIA) and there was inconsistency in the decision-making process because of communication issues between the Planning Officer and Team Manager.
5. These matters raised by the applicant relate to procedural matters associated with the Council's handling of the planning application rather than their behaviour during the appeal. Nevertheless, I have been provided with email correspondence between the Council and the applicant's agent which demonstrate that there was engagement between the main parties during the determination period of the planning application over various matters.
6. These emails include, amongst other things, exchanges relating to the description of the development; amendments to the submitted plans; consultee responses; concerns over the acceptability of the scheme; further information that was required; and agreed extensions of time to the decision date. Based on this information before me I do not find that the Council failed to provide sufficient

¹ Prepared by WL Environmental (dated 12th February 2024)

updates on the application and no substantive evidence has been provided to support the applicant's assertion that there were inconsistencies in the decision-making process.

7. I also note the submitted correspondence includes exchanges regarding the time and date of the site visit and the Council has confirmed that a site visit was undertaken on 1st December. Whilst I acknowledge the applicant is of the opinion that a "proper" site visit was not undertaken, I have limited information before me in respect of what occurred at this site visit, and in any case, this again relates to the planning application process rather than the appeal procedure. I do not therefore find the Council has behaved procedurally unreasonably during the appeal process.
8. With regard to substantive matters, the applicant states that a NIA was submitted with the application and this was misinterpreted by the Council, resulting in the incorrect consideration of the planning tests and material considerations.
9. With regard to this matter, the Council's Officer Report clearly acknowledges this submitted NIA and took its content into account when making its decision. The Council's Officer Report articulates the Council's concerns with the content of this submitted NIA and the reasons why they reached a different conclusion on the acceptability of the appeal proposal to that contained within this document. Whilst the applicant may not agree with the Council's assessment of the submitted document, I do not find the Council acted unreasonably in its consideration and assessment of the submitted NIA, or the application in general.
10. In view of all the above, I am satisfied that unreasonable behaviour has not been demonstrated and the appellant did not incur unnecessary expense in making an appeal.

Conclusion

11. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

R Major

INSPECTOR