Planning Inspectorate

Costs Decision

Site visit made on 7 November 2025

by L N Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th November 2025

Costs application in relation to Appeal Ref: APP/Q4245/W/25/3369329
Meadowgate Farm, Cob Kiln Lane, Urmston M41 9JT

- 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 and Mrs O'Sullivan for a full award of costs against Trafford Council.
- The appeal was against the refusal of planning permission for erection of children's nursery with associated parking and play areas and wider site amendments, following demolition of existing buildings and stables and alterations to existing access along Cob Kiln Lane.

Decision

1. The application for an award of costs is allowed, in part, in the terms set out below.

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 Costs and Decisions Team determined that the only element of the applicant's costs application accepted for consideration, relates to alleged unreasonable behaviour by the Council in submitting additional transport information after the Final Comments stage. The element relating to early years childcare need was not accepted for consideration. I have proceeded on this basis.

4. The Transport Statement[1] refers throughout to "a 463m^2 industrial unit, currently used for the storage of hay and plant etc." The Transport Statement trip generation estimates are based on this industrial use. In September 2025 the Council submitted to me that the applicant's response to the Council's serving of a Planning Contravention Notice in August 2025, confirmed that this unit is not, nor has been, in use as an industrial unit.

5. The applicant's subsequent application for costs contends procedural unreasonableness, by the Council's raising an unsubstantiated technical concern after Final Comments stage.

6. The Council accepts this is fresh evidence submitted at a late stage in the appeal process, but considers it necessary to assist in reaching an objective and informed view. They assert the applicant's previous information was inaccurate, whereby the grant of planning permission influenced by such information could be open to challenge.

[1] Doc Ref: CT/200738/TS/00, EBR Design & Build Ltd, 25.05.2021

7. The Council does confirm that no additional reason for refusal is advanced on highways matters basis, with the Highway Authority considering that the increase in proposed vehicle trips compared to the baseline previously assumed is not sufficient to demonstrate a severe impact.

8. The parties have submitted several email trails across different time periods. In summary, the application was submitted in June 2021, and the Transport Statement was updated in July 2023 in relation to trip generation figures for the Tack and Feed Shop. The Highway Authority directly referenced the industrial unit on 25th July 2023 in the context of it being one of the existing uses. The applicant's traffic survey was carried out in November 2023, with a December 2023 response from the Highway Authority that based on those results and the previously submitted TRICS data and findings as detailed on 25th July 2023, no objection on highways grounds could be sustained.

9. On 28th January and 6th February 2025, the Planning Enforcement Officer asked the applicant about the industrial use cited by the Transport Statement, as the Officer stated that as far as they were aware, it had only ever been an ancillary storage shed. They specifically queried whether the estimated number of vehicle movements associated with this building needed to be revised.

10. The applicant responded that the Transport Statement was not prepared with the specific tenant in mind but with the potential of the site as it stands for a range of traffic movements. Moreover, since the Transport Statement followed standard highway planning practices and following lengthy discussions with the Highway Authority, the transport consultant considered it accurate and saw no need for amendments, standing by their latest agreed version.

11. I separately note that it is not uncommon for proxies to be deemed acceptable for trip generation purposes, or for planning judgement to be applied in such nuanced matters. There is not the weight of evidence before me to suggest that the applicant purposefully misrepresented the 'declaration of fact' on the application form.

12. However, on the basis that the Highway Authority's lack of objection was based at least in part on taking at face value that the unit was an industrial use, this response does not resolve why the site's potential trip rates under its existing use included an assumption of industrial use for the barn.

13. Nonetheless, if vehicle movements were critical to an assessment of the application, the enforcement officer, or the case officer or colleagues (as copied in on many of the emails) could have raised this to the further attention of the Highway Authority prior to determining the application on 20th February 2025. The Officer Report only references that the proposal would result in a much more intensive use of the site compared to the current set-up, specifically in reference to Green Belt openness.

14. On this basis, I therefore find it unreasonable for the Council to have only raised this matter in September 2025, rather than investigating it further prior to the refusal of the planning application, or even providing reasoned commentary as part of their appeal Statement of Case. It is clear that in order to refute the Council's claim after the Final Comments stage, the applicant has directly incurred additional, and unnecessary, expense in responding to highways matters.

15. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a partial award of costs relating to the submission of additional information on transport matters, is therefore warranted.

Costs Order

16. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Trafford Council shall pay to Mr and Mrs O'Sullivan, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in responding to additional information on transport matters; such costs to be assessed in the Senior Courts Costs Office if not agreed.

    The applicant is now invited to submit to Trafford Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

L N Hughes

INSPECTOR