
Costs Decision

Site visit made on 16 September 2025 by T Morris BA (Hons) MSc

Decision by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2025

Costs application in relation to Appeal Ref: APP/Q4245/D/25/3370250 184 Thirsk Avenue, Sale, Trafford M33 4GW

- 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 Miss Victoria Nottingham for a full award of costs against Trafford Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for removal of conifer hedge row which was approximately 3metres high and wooden lap panels with brick pillars which were 1.8metres high on Thirsk Avenue. Erection of new fence with 1ft concrete base panel and 5ft wooden panels. Access gate in same position as prior.
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Decision

1. The application for an award of costs is refused.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Reasons for the Recommendation

3. 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.
4. The applicant seeks a full award of costs on the basis that the Council acted unreasonably, leading to the applicant incurring unnecessary and wasted expense. This is based on what in the applicant's view is the Council's flawed assessment, as well as procedural failings and contradictory advice. This includes issues concerning the orientation of the property, photographic evidence of comparable development, contradictory highway advice, as well as the legitimate needs of the applicant.
5. With regards to the applicant's concerns on character and appearance, they repeatedly refer to the Council's misinterpretation of the property's orientation as well as their flawed assessment of local character. However, the reasons on the Council's decision notice are not specifically predicated on a particular orientation of the property. While its orientation is discussed in the officer report, it also analyses the site's context in some detail, including reference to boundary treatments. In this case, while there are some similarly sized boundary treatments in the area, these are not generally considered to be the prevailing type in closer proximity to the appeal site. In the assessment of a householder development, it

was not unreasonable to limit the assessment of the area to a more immediate context. Moreover, character and appearance are also subjective matters where differences of opinion can occur, as is the case here. Therefore, the Council's reasons concerning character and appearance were sufficiently substantiated.

6. With regards to the applicant's concerns on highway safety, they state that the requirement for visibility splays was dropped and that the Local Highway Authority comments are inaccessible. However, I only have a summary of the discussions which took place and there is little in the way of definitive evidence either way. There is also reference to case law which dictates that highway issues which could be resolved by conditions should not be used as refusal reasons. The case cited would have had its own site-specific circumstances and, in any event, I have not been provided with relevant parts of this judgement. As such it has not been determinative in either this or the appeal decision.
7. Informal discussions regarding developments are an inevitable part of the planning application process. Ultimately, the Council have substantiated their reasons for refusal in terms of highway safety in their decision notice and officer report. On this basis, I find that the Council's reasons in terms of highway safety are satisfactory.
8. The planning balance exercise is a matter of planning judgment. The Council indicate that the issues raised by the applicant in terms of their need for privacy, security, as well as protection from noise and anti-social behaviour were not raised in any detail in the planning application stage. I have no evidence to contradict this. Therefore, I have no reason to suspect that the Council did not exercise the planning balance satisfactorily based on the information it had at the time and in accordance with its development plan policies. Ultimately, there appears to have been a breakdown in communication between the main parties, but the refusal of planning permission was the result of a fundamental disagreement between the parties which could have only been resolved by way of an appeal.
9. For the above reasons, I am satisfied on the evidence before me that the Council adequately substantiated its reasons for refusal through a sufficiently detailed and objective analysis of the development, and why it is not acceptable, having had regard to development plan policies.

Other Matter

10. The applicant has provided a list of what they state are relevant costs awards and judgements. However, I do not have the full details of the costs awards or sufficient information regarding the circumstances in which they were decided. Consequently, these examples do not lead me to a different conclusion on the costs application overall.

Conclusion and Recommendation

11. I therefore conclude that the Council did not behave unreasonably in reaching its conclusions on the planning application. Unreasonable behaviour or wasted expense has not been demonstrated. I therefore recommend that an award for costs is not justified.

T Morris

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the application for an award of costs is refused.

C McDonagh

INSPECTOR