
Costs Decision

Site visit made on 7 January 2026

by **Andreea Spataru BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th February 2026

Costs application in relation to Appeal Ref: APP/Q4245/W/25/3375294

31 Eyebrook Road, Bowdon, Cheshire, WA14 3LH

- 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 S Alvi for a full award of costs against Trafford Metropolitan Borough Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for reserved matters approval (landscaping) pursuant to outline planning permission ref: 106268/OUT/21.
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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 asserts that the Council acted unreasonably by failing to determine the reserved matters application within the statutory period, breaching a conditional extension of time, and not issuing a decision despite being “minded to approve” the proposal. They contend that this failure necessitated the appeal. They further argue that the Council introduced new objections after the statutory deadline without site-specific evidence, acted inconsistently with other recent decisions, and applied policy/guidance incorrectly. They also claim that amendments were secured under procedural pressure rather than through constructive engagement.
4. While no decision was issued before the appeal was lodged, the evidence shows this arose from the timing of the applicant’s amended plans rather than unreasonable conduct by the Council. Concerns regarding the front boundary treatment were raised before the statutory deadline, and amended plans were requested on 15 September 2025. Although an extension of time was agreed, the revised plans were not submitted until 14/15 October 2025, leaving insufficient time for assessment and neighbour re-consultation within the agreed period.
5. Following receipt of the amended plans, the Council sought a further extension to undertake the necessary re-consultation, which the applicant declined. The Council then carried out a 10-day consultation. The applicant had lodged the appeal before the Council had the opportunity to issue its decision. In these circumstances, the Council’s failure to issue a decision does not amount to unreasonable delay.

6. The applicant also alleges inconsistent treatment when compared with other schemes. However, the Council did not determine the application due to the intervening appeal. The cited developments concern different schemes on a nearby road. Based on the submitted evidence, the Council made their assessments in the context of the site-specific circumstances of each case, while taking into account, where relevant, a Supplementary Planning Document (SPD) as a material consideration. Given my findings in relation to the application of SPD, and the comparison between the applicability of SPD and the Biodiversity Net Gain requirements within the associated appeal decision, I am satisfied that the Council exercised its planning judgement reasonably in applying the SPD to the appeal proposal.
7. Having regard to the Council's submissions for the appeal proposal it is sufficiently clear that a planning judgement was made with regard to the specifics of the appeal proposal, including a justification for the requested amendments. The correspondence between the applicant and the Council shows that one of the Council's latest requests included changes to the proposed rear boundary treatments. Notwithstanding these, the evidence indicates that ultimately the main point of contention between the parties was the front boundary treatment. While a street-scene drawing may not have been required for other schemes, the applicant has not demonstrated that those cases are directly comparable to the appeal site, particularly in respect of retaining a specific boundary treatment and the need to illustrate its height in relation to the proposed hedge and the approved dwellings within the street scene.
8. The allegation of procedural unfairness is also not supported by the evidence. The Council's principal concern, the acceptability of the front boundary treatment, was clearly raised before the original deadline, and the request for amendments was part of normal case management. The possibility of refusal if amendments were not provided is a standard procedural outcome and does not indicate unreasonable conduct.
9. The PPG requires a clear causal link between unreasonable behaviour and wasted expense at the appeal stage. Most of the costs claimed relate to actions taken during the application stage, which fall outside the scope of the costs regime. At appeal, the Council raised no objections to the amended proposal and stated that it would have been minded to approve it. There is no evidence that the Council's behaviour during the appeal process caused the applicant to incur unnecessary or wasted expense.

Conclusion

10. In conclusion, I consider that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, the application for an award of costs is refused.

Andreea Spataru

INSPECTOR