



Costs Decision

Site visit made on 2 January 2024

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th January 2024

Costs application in relation to Appeal Ref: APP/G4240/W/23/3322589 Land to rear of 80 Currier Lane, Ashton under Lyne, Tameside OL6 6TB

- 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 Dewsnap, PSD Construct Ltd, for full award of costs against Tameside Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for demolition of existing garage and construction of 3 new dwellings and 1 new double garage.
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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's cost claim is on the grounds that the Council has acted unreasonably. It is claimed that despite an Officer recommendation for approval, Members of Speakers Panel (Planning) refused the application based on incorrect information. It is also asserted that a Local Councillor exerted undue pressure on the Planning Department and Members of Speakers Panel. Furthermore, it is alleged that a Local Councillor refused to engage with the applicant, despite the applicant making several attempts to contact them.
4. The applicant therefore claims that the refusal of this application, despite its accordance with the Development Plan, has caused staff to be laid off; other sources of work having to be found; and resulted in additional costs associated with the appeal process.
5. There is no substantive evidence before me to suggest that a Local Councillor exerted undue pressure on the Planning Department and Members of the Speakers Panel. To the contrary, the Officer recommendation for approval suggests that the Planning Department assessed this application and came to its own conclusions on the acceptability of the scheme when presenting the proposal to Speakers Panel.
6. The decision of the Speakers Panel to go against the Officer's recommendation is not in itself evidence of any undue pressure from a Local Councillor, nor is it a justifiable reason for an award of costs as Members are not bound by Officer recommendations.

7. Whilst I have, in my decision letter, explained my reasons for ultimately reaching a different conclusion to the Council on the acceptability of the appeal proposal. Having carefully reviewed their appeal submission I do not consider the issues raised in the reason for refusal to be completely unfounded or without reason. As such, I do not consider the Council's decision to refuse this application to be unreasonable.
8. With regard to the allegations made in respect of the Local Councillor refusing to engage in discussions with the applicant. I have no clear evidence that the Local Councillor purposefully refused to engage with the applicant, or that any such discussions, had they taken place, would have altered the outcome of the Speakers Panel decision. As such, an award of costs is not justifiable on this basis.
9. Whilst it is regretful that the applicant had to lay-off staff as a result of the Council's decision to refuse the application, for the reasons given above I do not consider the Council acted unreasonably in its decision to refuse the application.

Conclusion

10. Given all of the above, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

R Major

INSPECTOR