



Costs Decision

Site visit made on 25 March 2019

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th May 2019

Costs application in relation to Appeal Ref: APP/G4240/W/18/3216276 Progress House, Catherine Street West, Denton, Manchester M34 3SY

- 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 Tom Kelly for a full award of costs against Tameside 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 the erection of a single storey building.
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Decision

1. The application is refused.

Reasons

2. Parties in planning appeals and other planning proceedings normally meet their own expenses. Where a party has behaved unreasonably, and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.
3. The appellant's application for costs centres on the Council's failure to deal with the planning application within the prescribed period, and the lack of correspondence about the matter including the failure to respond to emails.
4. In response to the appeal the Council has produced a statement setting out an assessment of the impacts of the proposal having regard to its accordance with the development plan, national policy and other material considerations. It seems to me that the case was reviewed promptly following the lodging of the appeal against non-determination. Given the Council's fundamental concerns about the proposal regarding its impact on the street scene and on the neighbouring building, I am satisfied that the proposal was not refused on planning grounds capable of being dealt with by conditions.
5. Whilst I acknowledge the appellant's frustration regarding the length of time that had lapsed from the validation of the application, the failure to determine the application in a timely manner and the lack of communication by the Council, these are matters that related to the application rather than the appeal process.
6. The matters in dispute equate to a fundamental disagreement between the parties and even had the application been determined before the appeal was lodged I am not persuaded that the Council would have reached a different view.

7. Therefore, the matter could only have been resolved by way of an appeal. Consequently, I am satisfied that there has been no unreasonable behaviour in the appeal process that has led to unnecessary or wasted expense.
8. As such the application for costs is refused.

S Ashworth

INSPECTOR