



Costs Decision

Site visit made on 13 April 2021

by **R Walmsley BSc, MSc, MA, MRTPI**

Decision date: 07 May 2021

Costs application in relation to Appeal Ref: APP/G4240/W/21/3267049 Land adjacent to 325 Birch Lane, Dukinfield, SK16 5AU

- 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 for costs is made by Mr David Godfrey for a full award of costs against Tameside Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for a two-storey detached dwellinghouse.
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Decision

1. The application for a full award of costs is refused.

Reasons

2. Paragraph 30 of the National Planning Policy Guidance (the Guidance) advises that, irrespective of the outcome of the appeal, costs may only 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. In the Officer's delegated report, reference is made to an earlier planning application which was dismissed at appeal. The Officer cites the reasons for the appeal being dismissed and identifies the key question to consider in the assessment of the application in light of this appeal. The Council, therefore, did not disregard the earlier appeal decision when deciding the planning application. Instead, the Officer considered the differences between the two schemes and concluded that, despite the changes made, the proposal remained unsatisfactory.
4. Similarly, the Officer had regard to the landscaping plan submitted; the delegated report refers to the landscaping proposed and the relevant drawing. The Officer explains the differences in landscaping between the original scheme and the proposed and sets out clearly why the landscaping proposed was considered inadequate. I do not find, therefore, that the Council made vague, generalised or inaccurate assertions about the proposed development.

Conclusion

5. As a result of my findings above, I find that the Council substantiated its judgements. As such there has been no unreasonable behaviour that has resulted in unnecessary or wasted expense in the appeal process. I therefore conclude that a full award of costs, towards the expense of the appeal, is not justified.

R Walmsley

Inspector