



Costs Decision

Site visit made on 22 October 2019

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2020

Costs application in relation to Appeal Ref: APP/G4240/W/19/3232854 Fairbottom Methodist Church, Alt Hill Lane, Ashton-under-Lyme OL6 8AB

- 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 Tameside Metropolitan Borough Council for a full award of costs against Mr Paul Cooper.
 - The appeal was against the refusal of planning permission for approval of details reserved by Condition 2 (drainage/septic tank details) of planning permission ref 18/00652/FUL – Conversion of former Methodist Chapel to 2 dwellings and new septic tank - part retrospective.
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Decision

1. The appeal for the award of costs is refused.

Reasons

2. Paragraph 030 of the Planning Practice Guidance (the PPG) indicates 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. This may occur when the development is clearly not in accordance with the Development Plan, and no other material considerations such as national planning policy are advanced that indicate the decision should have been made otherwise.
4. The Council's application has been made on the basis that the appellant made the appeal in respect of the Council granting planning permission for development subject to a condition to which the appellant objects.
5. The appellant completed the appeal forms incorrectly, indicating a number of grounds on which to base their appeal. Further correspondence with the appellant in order to correctly identify their intentions concluded with the sole grounds of appeal being against the refusal of the Council to grant planning permission to discharge a Condition for which information was submitted in order to discharge said condition.
6. Whilst an up-to-date Development Plan is a very significant matter in making planning decisions, it is an acknowledged fact that conflict with a Development Plan does not necessarily restrict the granting of planning permission. The Courts have dealt with the primacy of the Development Plan, and the discretion of decision makers to make decisions other than in accordance with the Development Plan.

7. The appellant clearly believed that there was an arguable case for planning permission being granted to discharge the condition, based on the information submitted. In such a situation, I can understand why a decision to appeal was taken.
8. This appeal decision is, however, ultimately a matter of planning judgement. I may have reached a different judgement to the Appellant but that does not their position unreasonable.
9. Whilst I have dismissed the appeal, I consider the grounds of appeal to be credible and I do not consider that the appellant has acted unreasonably in this instance.
10. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Paul Cooper

INSPECTOR