



Costs Decision

Site visit made on 12 November 2024 by Darren Ellis MPlan MRTPI

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2024

Costs application in relation to Appeal Ref: APP/G4240/Z/24/3346508 Adjacent 47 Clarendon Place, Hyde, Tameside SK14 2ND

- 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 Harbans Sohal for a full award of costs against Tameside Metropolitan Borough Council.
 - The appeal was against the refusal of 'replacement 48-sheet advertisement hoarding.'
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Decision

1. The application for an award of costs is refused.

Procedure

2. A representative of the Inspector has set out the recommendation below, to which the Inspector has had regard before deciding the application.

Preliminary Matter

3. The applicant does not state whether a full or partial award is sought. However, by reason of the information contained within the application, I have interpreted it as being one for a full award, and have proceeded on that basis.

Reasons

4. Planning Practice Guidance (PPG) advises that costs may only be awarded where a party has behaved unreasonably, and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. It also sets out that a local planning authority is at risk of an award of costs for preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; and for delays in providing information or other failure to adhere to deadlines.
5. The application was received and validated on 5 October 2023 and had an original target of 30 November 2023 to be determined. Two subsequent extensions of time were requested by the Council and agreed by the appellant (the last extension of time being until 19 January 2024). It appears that the Council requested a further extension of time, although no details of the applicant's response to this request is provided, and the application was decided on 1 May 2024.
6. The Council did not respond to all of the emails from the applicant requesting an update to the application, although some of the replies that were received

indicated that the case officer was experiencing significant workload issues. Additionally, there is nothing to suggest that this was the only case where there was a delay or that the Council were not progressing the application. While a lack of a decision within the prescribed time period and a lack of communication are both frustrating, it is neither unusual nor unreasonable.

7. The original case officer was minded to recommend that consent was granted, however they also stated they had not completed a full assessment and, furthermore, there is no guarantee that the decision maker would agree with the recommendation. In this case, the application was passed to a new case officer and the decision was subsequently made to refuse it. The officer's report makes a full assessment of the proposal and takes into account the previous applications and appeals, and clearly substantiates the reasons for refusal. I have recommended that the appeal is allowed, and I have therefore disagreed with the Council's reasons for refusal. However, this does not mean that the Council acted unreasonably in refusing the application, having regard to their reasons therefore and explanation thereof.
8. Furthermore, the applicant has not provided any information outlining where the Council's actions have led to unnecessary or wasted expense. Notwithstanding my recommendation to allow the appeal nor the original case officer being minded to recommend granting planning permission, it seems to me that in this case there was a fundamental disagreement between the parties over the merits of the scheme. Which is arguably par for the course in a planning appeal situation.

Conclusion and Recommendation

9. With this and the above in mind, I am not persuaded that unreasonable behaviour resulting in unnecessary or wasted expense has occurred and, resultantly, an award of costs is not justified.

Darren Ellis

Appeal Planning Officer

Inspector's Decision

10. I have considered all the submitted evidence and my representative's report and, on that basis, I agree with the recommendation and hereby refuse the application for an award of costs.

John Morrison

INSPECTOR