



Costs Decision

Site visit made on 27 May 2025

by **L Fern BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 JUNE 2025

Costs application in relation to Appeal Ref: APP/G4240/W/25/3360269

Land off Hanover Street, Mossley, Ashton-Under-Lyme OL5 0EZ

- 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 Andrew Rhodes of Premier Land and Homes Limited 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 planning permission for 6No. detached dwellings.
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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. This application essentially relies on a case that the Council has not determined similar cases in a consistent manner and has unnecessarily prevented and/or delayed development.
4. It is acknowledged that the appeal proposal is similar to that granted planning permission in 2015¹, which was subjected to a condition requiring further slope stability assessments to be prepared and submitted for approval, in lieu of providing the information upfront, as has been required by the Council in this case.
5. However, I agree with the Council that issues surrounding land stability should be dealt with early in the planning process and due to the site-specific circumstances of this case, the matter of slope stability sits at the crux of whether this site is suitable for the proposed development. Accordingly, I found conflict with the National Planning Policy Framework (the Framework) as I could not be convinced that the proposed development would not lead to unacceptable levels of slope instability.
6. Furthermore, in coming to their decision, the Council rightly had regard to the evidence submitted by interested parties, their own site visit observations and their own knowledge of the circumstances surrounding the slope stability issues at Mossley Park, although only briefly set out in evidence. I therefore find that the Council had the right to come to an alternative conclusion with regards to this

¹ Council Ref 15/00878/FUL for development of 6 No. detached houses.

appeal case given a perceived change in circumstances since the 2015 permission was granted.

Conclusion

7. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated. Therefore, the application for an award of costs is refused.

L Fern

INSPECTOR