



Costs Decision

Site visit made on 4 November 2025

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2025

Costs application in relation to Appeal Ref: APP/G4240/W/25/3371785 Midway, 4 Gallowsclough Road, Stalybridge, Tameside SK15 3QS

- 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 Dribben Investments Ltd for a full award of costs against Tameside Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for the change of use from C3 dwellinghouse to C2 children's care home for up to a maximum of three children.
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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. The Applicant has set out that the Council disregarded the advice from the Local Highway Authority (LHA). In both the LHA's responses, their view remained unchanged that the vehicle trips from the proposed children's care home would be comparable to an existing family home. However, their second response did set out the LHA's position that the development would have an unacceptable impact on highway safety and consequently the Council has not acted contrary to consultee advice.
4. Although there wasn't any change in circumstances between the first and the second responses from the LHA, in terms of the site access or road layout, or to the proposed development description, the LHA's second response was evidently informed by site observations, which included concerns on reversing manoeuvres on to a principal highway and on crossing the central line in order to turn left on to Gallowsclough Road.
5. The relevant matters in this case, such as those relating to visiting staff and their familiarity with the nearby road layout are matters that require the exercise of judgement. Although I do not share the view of the Council in relation to this matter, or on trip generations, the Council's Delegated Report and Statement of Case have adequately explained their position and substantiated their concerns.
6. The Council could have been clearer in their analysis in assessing the 'worst-case' trip generation scenario for the existing dwelling, but I do not consider this would

- have been determinative given their stated concerns on manoeuvres by those unfamiliar with the layout of the nearby road junction.
7. The Applicant has also raised concerns that the Council failed to give appropriate weight to the need for a children's care home, having regard to its statutory responsibilities and the National Planning Policy Framework (Framework). Although brief, the Council's summary¹ references the positive contribution the proposal would make to meeting the demand for care for children and young people. Their Statement of Case further sets out the benefits of providing a children's home in this location, but it finds the significant harm to other road users would outweigh this.
 8. The decision notice references Policies T1 and H10 of the Tameside Unitary Development Plan (UDP), but in relation to the former, the policy is not solely related to new highway construction and improvements but also access arrangements for development schemes. In any event, the Council has referenced another development plan policy, as well as the Framework in the decision and I do not consider the development has been prevented or delayed for this reason.
 9. Based on the submissions before me, the Council did consider the submitted evidence, including the swept path analysis, but this showed that vehicles would have to cross the central line markings to access Gallowsclough Road from Mottram Road. Although I have found the development to not be harmful to highway safety, the Council has with reference to the submitted evidence substantiated its position.
 10. It is further set out that the Council failed to engage on potential mitigation, with the Applicant considering the refusal was capable of being addressed by conditions. Although the Council has not specifically addressed a condition requiring staff/visitors to be briefed on the hazards of the nearby junction, it is evident that they considered potential mitigation, but set out why their concern with vehicles turning in the road could not be addressed by condition.
 11. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

F Rafiq

INSPECTOR

¹ Council's Delegated Report