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## Costs Decision

Site visit made on 23 December 2025

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20<sup>th</sup> January 2026

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**Costs application in relation to Appeal Ref: APP/G4240/W/25/3374914**

**Land to the rear of 3 Walkers Fold, Mossley OL5 0JA**

- 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 and Mrs G Cooke for a full award of costs against Tameside Metropolitan Borough Council.
  - The appeal was against the refusal of planning permission for residential development for up to 3 no 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. The PPG provides examples of unreasonable behaviour which may be undertaken by the Council in an appeal. The applicant alleges that the Council demonstrated unreasonable behaviour through the alleged wrongful application and consideration of technical matters in their assessment of the application, which has subsequently resulted in an appeal being made.
4. The scope of stage one of the Permission in Principle application route is restricted to location, land use and the amount of development. Paragraph 012 on this matter in the PPG notes that issues relevant to these 'in principle' matters should be considered at the permission in principle stage. It does not explicitly state what these matters could be. These considerations, whilst appearing as limited, can therefore encompass various issues which relate to these matters. As such, a matter such as character and appearance can be a fundamental consideration in assessing the acceptability of a proposed development.
5. The Council identified harm through the amount of development proposed. It considered that the appeal site makes a positive contribution to the character and appearance of the area. In their officer report, the Council explicitly noted that technical details would be required at a later stage. It is then concluded that there is no doubt that any further increase in built form, in an area where there is none, would have an effect upon the character and appearance of the appeal site in principle. Whilst I do not share this view, this conclusion holds irrespective of the technical details to be considered at stage two of the Permission in Principle process.

6. The applicant has further suggested that it is perverse that a positive pre-application enquiry to the principle of a residential development of the appeal site was returned prior to the submission of an application. However, pre-application responses are not binding. Decision makers are permitted to arrive at a different conclusion based on the evidence before them.
7. In collective consideration of these matters, I am of the view that the Council did assess the application as per the guidance on this application type found within the PPG. To conclude, I am not persuaded that the local authority acted unreasonably in the matters raised above. As such, unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, an award of costs is not justified. For these reasons and taking into account all other matters raised, the application for costs is refused.

*J Smith*

INSPECTOR