



Costs Decision

Site visit made on 6 March 2026

by N Duff BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2026

Costs application in relation to Appeal Ref: APP/G4240/W/25/3375786

Unit 2, Harrop Street, Stalybridge, Tameside SK15 2AP

- 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 Steven Bardsley 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 Demolition of existing 1,050 sq/m of commercial space and addition of new accommodation of a flexible use within Class B or Class E up to a maximum of 1,600 sq/m, to allow for an operational change of use allowed under Class V of The Town and Country Planning (General Permitted Development) (England) Order 2015.
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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 application for costs relies to a substantial extent on whether the Council has acted unreasonably by issuing a decision on the application after the appeal for non-determination was lodged with the Planning Inspectorate. The applicant has claimed that due to the late issuing of the decision from the Council, a decision notice and officer report was available which required a rewrite of the appeal statement that had been prepared, in order to address reasons for refusal and associated policies.
4. Based on the information before me, the appeal was submitted and validated at 11:47 on 13th November 2025. The Council issued the decision on 13th November 2025 at 16:40. The Planning Inspectorate confirmed to the applicant on 18th November 2025 that the decision notice was not valid as jurisdiction had passed to the Planning Inspectorate and the applicant was then invited to submit a revised statement of case based on the new information.
5. The Council's evidence states that it requested an extension of time in order to resolve matters which had been communicated to the applicant. However, the applicant did not wish to agree to an extension of time. Therefore, the case went beyond the statutory timeframe for a decision to be made. The Council then proceeded to refuse the planning application.

6. Having regard to the timing of the Council's decision being issued. The Council has stated that it was unaware an appeal had been validated as there was no correspondence from the applicant to the agent. The Council has set out the process undertaken prior to the decision being issued on 13th November 2025.
7. Based on the information provided. Whilst the timing of the decision being issued by the Council was following the submission of the appeal, and when jurisdiction to issue the decision had technically passed to the Planning Inspectorate. I do not consider that the decision was issued in the knowledge that an appeal had been lodged.
8. I am satisfied that the Council communicated its intention to the applicant to issue a decision for refusal, and I am satisfied that the Council did not knowingly issue a decision after the appeal for non-determination had been submitted.
9. Additional work has arisen due to the timing of the applicant's appeal submission and the issuing of the Council's decision, in the need to revise the appeal statement. However, even if the decision had not been issued, it is likely that the Council would have produced a statement of case, which would have provided the applicant with an opportunity to respond in any event. As such, the revision of the statement in response to a detailed Council case cannot reasonably be considered unnecessary or wasted expense, as this is not uncommon in appeals against non-determination.
10. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

N Duff

INSPECTOR