



Costs Decision

Site visit made on 22 July 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2020

Costs application in relation to Appeal Ref: APP/P4605/W/20/3248331 22 Victoria Road, Aston, Birmingham B6 5HA

- 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 S Singh for a full award of costs against Birmingham City Council.
 - The appeal was against the refusal of planning permission for conversion of dwelling into 2 self contained flats.
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Decision

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

Reasons

2. 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. This application claims unreasonable behaviour by the Council in terms of failing to take into account the merits of the proposal and so preventing development that should clearly be permitted, failing to co-operate with the appellant and not determining similar cases in a consistent manner.
3. The appellant's case to the Council in support of the proposal was set out in a design and access statement. The Council say that the statement was considered as part of its assessment and despite the appellant's claims to the contrary there is no substantive evidence before me to suggest otherwise. Parts of the statement describe the existing use of the property as a dwelling falling within use class C3, although other parts describe it as a 5 bedroom house of multiple occupation (HMO). Given this inconsistency, the Council's reference to the property as a dwelling and not a HMO is understandable.
4. In any event, it is evident from my appeal decision that I have concerns with the proposal and so the decision to refuse planning permission has not prevented development that should clearly be permitted. I understand the appellant's frustration over failed attempts to engage with the Council officers during the determination of the planning application. However, it has not been shown how any such dialogue would have overcome the concerns with the proposal or would have avoided the appeal. There is no claim of the Council failing to co-operate in the appeal process.
5. My appeal decision considers the other examples of development cited by the appellant but finds material differences between the appeal proposal and those examples where planning permission has been granted. As such, there is no

evidence that the Council has acted inconsistently in refusing planning permission.

6. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and an award of costs is therefore not justified.

Jonathan Edwards

INSPECTOR