
Costs Decision

Site visit made on 21 July 2020

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 September 2020

Costs application in relation to Appeal Ref: APP/P4605/D/20/3246846 15 West Drive, Handsworth, Birmingham B20 3ST

- 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 Anwar Hussain for a full award of costs against Birmingham City Council.
 - The appeal was against the refusal of planning permission the erection of two-storey rear and roof alterations to include balustrade to flat roof of out building and external steps to side.
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Decision

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

Reasons

2. Paragraph 30 of 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 the costs to incur unnecessary or wasted expense in the appeal process.
3. In assessing the application for costs, I note the applicant has referred to inconsistencies in the Council's advice and what are described as unfair requests during the planning application process, following negotiations concerning a preceding withdrawn application.
4. It is clear from the Officer Report that the Council had concerns regarding the effect of the proposal on neighbouring privacy. The Council was not obliged to agree with the applicant's views on whether the proposal is harmful to neighbouring living conditions and has provided an adequate explanation in its report of why it refused planning permission. Whilst I have not found the proposal would be harmful, there is no evidence before me which demonstrates the Council's approach to seek further amendments to address its concerns before reaching a formal decision was unreasonable.
5. I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Therefore, the applicant's claim for costs fails.

M Shrigley

INSPECTOR

