
Costs Decision

Site visit made on 25 August 2020

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th November 2020

**Costs application in relation to Appeal Ref: APP/Q4625/W/20/3253001
29 Holly Lane, Marston Green, Solihull B37 7AP**

- 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 Timothy Lawrence for a full award of costs against Solihull Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for the change of use from dwelling house to 3 no apartments.
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Decision

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

Procedural Matters

2. The appellant's name above is taken from the appeal form.

Reasons

3. The Planning Practice Guidance 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.
4. The applicant suggests that the refusal was unreasonable because the proposal was policy compliant.
5. Whilst I have found in the main decision that the proposal accords with the development plan as a whole, the reasons for refusal were comprehensible, relevant and based on planning considerations. The reasons were also precise by identifying the particular concerns.
6. The proposal involved an extension and changes to the frontage. Policy P15 provides specific criteria to make an assessment of the design. These are matters of judgement and not matters of precise science. Indeed, the character of the existing building and the surroundings needed to be assessed, which could have led to differing conclusions. Similarly, the opening statement of the policy requires 'good quality' design and the proposal against that yardstick was open to judgement.

7. The concern about the 3 parking spaces was expressed in relation to policies P7 and P8. These highlight the need for provision in relation to highway safety. The adequacy of these spaces for residents and their visitors is not an exact science and again a matter of judgment. Indeed, it required consideration of the characteristics of the area, Holly Lane and the site itself.
8. The assessment of the policies in such a case is not an automatic conclusion but rather a balance of the various merits and impacts. The policies are open to judgement which is widely acknowledged as a matter for the reader.
9. The planning committee made a decision based on the characteristics of the site and the proposal. They applied the criteria in the Development Plan policies and came to a view. Consequently, I conclude that the Committee were entitled to come to their view and applied the appropriate policies.

Conclusion

10. For the above reasons I conclude that the Council has not acted unreasonably, and that the applicant has not been put to wasted time and expense in pursuing the appeal. Therefore, an award of costs as described in the Planning Practice Guidance is not justified.

John Longmuir

INSPECTOR