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## Costs Decision

Site visit made on 19 October 2021

**by Paul Cooper MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 4 November 2021**

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### **Costs application in relation to Appeal Ref: APP/Q4625/D/21/3273034 1A Marlborough Road, Castle Bromwich, Birmingham B36 0EH**

- 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 Andrew Hart for a full award of costs against Solihull Metropolitan Borough Council.
  - The appeal was against the refusal of the planning permission for Prior notification to erect and additional floor over existing ground floor with hipped roof on all sides, external finish (render) to match that at existing ground floor level. .
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### **Decision**

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

### **Reasons**

2. Paragraph 030 of the Planning Practice Guidance (PPG) indicates 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. Examples of unreasonable behaviour by Local Planning Authorities are set out in Paragraph 049 of the PPG.
4. The applicant states that the Council has prevented or delayed development that should clearly be permitted, not followed well established case law and have not determined similar cases in a consistent manner.
5. The Council's reason for refusal set out in the decision notice is complete, precise, specific and relevant to the application. It also clearly states the policies of the development plan that the proposal would conflict with, which are taken into consideration as part of the appeal. These reasons were adequately substantiated by the Council in the officer report and for the reason that I explained in my appeal decision, there is an interpretation in the Class AA text that allows the building to be assessed in the manner that the Council have used, and I have agreed with given the site circumstances. I am satisfied that sufficient consideration was given to the proposal when the planning application decision was made.
6. Whilst I appreciate that the appellant does not agree with the outcome of the application, the Council were not unreasonable in coming to that decision and there is no evidence to suggest that they have unreasonably prevented or delayed the development, nor has any evidence been submitted to substantiate the claim that the Council have dealt with cases in an inconsistent manner.

7. I therefore conclude that for the reasons set out above, unreasonable behaviour during the process has not been demonstrated. For this reason, an award for costs is therefore not justified.

*Paul Cooper*

INSPECTOR