



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

Costs application in relation to Appeal Ref: APP/P4605/D/21/3283578 77 Wentworth Way, Birmingham B32 2UX

- 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 Sangha for a full award of costs against Birmingham City Council.
 - The appeal was against the refusal of planning permission for two storey side and rear extension.
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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 have acted in an unreasonable manner by acting in an inconsistent manner in relation to this scheme compared to No 59 Wentworth Way, which was approved for a similar scheme nearby.
5. The Council's reasons for refusal set out in the Decision Notice are complete, precise, specific and relevant to the application. It clearly states the policies of the development plan that the proposal would conflict with. These reasons were adequately substantiated by the Council in the officer report and I agree with the Council that the proposal did not comply with local or national planning policy. 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 failed to co-operate with the appellant at application stage.

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