
Costs Decision

Site visit made on 11 October 2021 by A J Sutton BA (Hons) DipTP MRTPI

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2021

Costs application in relation to Appeal Ref: APP/Q4625/D/21/3276072 62 Chester Road, Castle Bromwich, Solihull, B36 9BU

- 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 Nazakat Ali for a full award of costs against Solihull Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for erection of single storey rear, side and forward extensions. Two storey side extension and detached outbuilding to rear.
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Decision

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

Reasons for Recommendation

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused another party to incur unnecessary or wasted expense in the appeal process. An application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
3. The applicant seeks a full award of costs on the grounds that the Council has acted unreasonably in refusing planning permission for the above proposal, against its officer's recommendation. The Council has not submitted a rebuttal to this application.
4. The Council is not bound by an officer's recommendation and judgements relating to character and appearance, which are at issue in this case, are largely subjective. Moreover, the reason for refusal, cited on the decision notice, states why the development was considered unacceptable in terms of design with reference to local plan policy.
5. The planning committee minutes provides no additional clarification on the Council's judgement in respect to this proposal beyond that stated on the decision notice. However, this decision was made during Covid restrictions, and at a virtual meeting. When viewing the recording of the meeting, I observed that the planning committee members had regard to the officer's report, appraised the proposal and reflected on the wider street scene and that these matters informed the Council's decision.
6. The Council's reasoning in this case was limited and the development has been delayed by the Council's original decision. However, whilst I disagree with the

Council's judgement on design for the reasons set out in the appeal decision, its reason for refusal was clearly expressed and based on objective analysis, having regard to, and being substantiated by, policy. Therefore, I find that the Council did exercise its development management responsibilities in an appropriate manner and did not add to development costs through avoidable delay.

7. There are no details relating to planning decisions at other properties in the surrounding area. Furthermore, there is no substantive evidence to suggest that the Council has not determined similar cases in a consistent manner, and therefore it has not acted unreasonably in this respect.
8. In light of the above, I am satisfied that the reason for refusal in this case has been substantiated with reference to the development plan. I find nothing which indicates that the Council has behaved unreasonably in either a procedural or substantive way which has resulted in unnecessary or wasted expense being incurred by the applicant during the appeal process. Therefore, I recommend that the application for an award of costs is not justified in this case.

Recommendation and Conclusion

9. For the reasons outlined above, and having regard to all other matters raised, I recommend that an award of costs is refused.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

10. I have considered all submitted evidence and the Appeal Planning Officer's report and on that basis an award of costs is not justified in this case and the application is refused.

Zoe Raygen

INSPECTOR