



Costs Decision

Site visit made on 14 December 2021

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2022

Costs application in relation to Appeal Ref: APP/C4615/D/21/3279339 2 St. Georges Road, Dudley DY2 8EZ

- 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 Hamid Qudos against the decision of Dudley Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission to construct first floor rear extension.
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Decision

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

Procedural Matter

2. The applicant has applied for an award of costs but has not specified whether the application is for a full or partial award. I have therefore reached my decision having considered both options.

Reasons

3. Irrespective of the outcome of an appeal, the National Planning Practice Guidance, (PPG), advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour may be procedural (relating to the process) or substantive (relating to the issues arising from the merits of the appeal).
4. In summary, the applicant considers that he sought to address the Council's concerns by amending the plans and that he informed the Council of other comparable development examples. Additionally, the appellant points out that there were no objections from neighbours to the proposal. The appellant considers that the planning application was refused without good reason.
5. The Council has not responded to the applicant's claim for an award of costs. I note that the appellant sought to address the Council's concerns by amending the plans. However, the Council was still entitled to conclude that the proposal was not acceptable for the reasons given. I referred in my appeal Decision to the appeal case the appellant drew my attention to, concluding that I considered the 2 cases not to be directly comparable. I

have no details of the other developments the appellant informed the Council of, and therefore have no grounds on which to consider whether it acted unreasonably in regard to considering such developments. Although no neighbours objected to the planning application, this does not mean that the Council were not entitled to refuse the application. I appreciate the applicant considers the Council refused the application without good reason. However, the 2 reasons for refusal on the Council's Decision Notice were reasons derived from the judgement of Officers, which is often the case in planning decisions.

6. For the reasons outlined above, I conclude that it has not been demonstrated that the Council behaved unreasonably in respect of any substantive or procedural matters associated with the determination of application Ref P21/0359. Consequently, there has not been any unreasonable behaviour which caused the applicant to incur unnecessary or wasted expense in the appeal process, as described in the PPG. I therefore conclude that neither a full nor partial award of costs is justified.

J Williamson

INSPECTOR