



Costs Decision

Site visit made on 18 January 2022

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2022

Costs application in relation to Appeal Ref: APP/P4605/W/21/3283103 10 Linwood Road, Handsworth, Birmingham B21 9HT

- 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 Harwinder Banga for a full award of costs against Birmingham City Council.
 - The appeal was against the refusal of planning permission for first floor extension to new dwelling.
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Decision

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

Preliminary Matter

2. The appeal form states an application for costs has been made. In my determination, I have had regard to the contents of the applicant's agent letter dated 15 September 2021.

Reasons

3. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the applicant to incur unnecessary expense in the appeal process. The applicant is critical of the Council in terms of (i) failing to cooperate and (ii) failing to assess the proposal fairly and so refusing permission for a proposal that should have been allowed.
4. The Council's officer's report indicates that on 5 occasions advice on the erection of a new dwelling on the appeal site was sought and provided prior to the submission of the planning application. Also, the applicant does not dispute that the Council officer discussed the proposal with the agent prior to the issuing of the decision. Moreover, the evidence shows the Council allowed the applicant time to submit amended plans prior to its determination. These actions suggest the Council officials have been cooperative in respect of the application leading to this appeal, despite the concerns raised in the submissions over the level of service.
5. It is suggested that the Council has rushed to make its decision in order to meet time targets and so its objections can not be supported. However, the Council's appeal submissions explain and seek to justify the refusal reasons with reference to development plan policies. While I do not agree with all of the concerns raised, the contentious issues are matters of planning judgement and the Council's case is clear and reasonable. There is no evidence to show the proposal has been unfairly assessed.

6. Also, I have found the proposal would be unacceptable for the reasons set out in my appeal decision. It follows that the Council has not refused permission for a scheme that should have clearly been approved.
7. For these reasons, I conclude that unreasonable behaviour resulting in wasted expense has not been demonstrated. Therefore, an award of costs is not justified.

Jonathan Edwards

INSPECTOR