



Costs Decision

Site visit made on 5 July 2022

by David Nicholson RIBA IHBC

an Inspector appointed by the Secretary of State

Decision date: 4 August 2022

Costs application in relation to Appeal Ref: APP/P4605/W/20/3262969 Elite House, 95 Stockfield Road, Birmingham B27 6AT

- 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 Bashir for a full award of costs against Birmingham City Council.
 - The appeal was against the refusal of planning permission for: Change of use from offices (Use Class B1) to hostel incorporating 41 no. units and ancillary facilities (sui generis).
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Decision

1. The application is dismissed.

Reasons

2. The Planning Practice Guidance advises 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. In short, the Appellant argues that he worked proactively with the Council, and provided a second kitchen/diner, so that the officer's report found the scheme to be acceptable. Also that the planning committee appears to have had its own agenda and ignored a policy-compliant scheme.
4. I have found that the Council's concerns with regard to living conditions, and internal facilities in particular, were justified, albeit outweighed by the benefits. Consequently, a refusal could be justified and an appeal was necessary. I acknowledge that there was limited evidence to support the other issues but also that here too there was an element of judgement.
5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.
6. The application for an award of costs is refused.

David Nicholson

INSPECTOR