
Costs Decision

Site visit made on 27 March 2023

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2023

Costs application in relation to Appeal Ref: APP/P4605/W/22/3308075 Land off Firth Drive, Yardley Wood, Birmingham B14 4DA

- 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 B.W Architect for a full award of costs against Birmingham City Council.
 - The appeal was against the refusal of planning permission for 2 no. garages.
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Decision

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

Reasons

2. The Planning Practice Guidance advises that costs may only 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 this case the appellants' costs application suggests that the previous appeal was dismissed solely on grounds relating to the size of the roof. However, this is incorrect. The inspector's decision, at paragraph 5, makes it clear that it was the combination of the building's width and height, together with the roof form, as then proposed, which he considered to make it appear bulky and at odds with the street scene.
4. In the present appeal, the revised scheme proposed a different roof form, with a reduced height, but did not alter the width. Whilst I have found the resulting amended design to be acceptable, this was a decision arrived at on balance, after weighing up all aspects of the proposal, and taking full account of the previous inspector's comments. The decision therefore rested on a planning judgement. In these circumstances, even though the judgement that I have come to is different from that of the Council, this does not mean that their decision was unreasonable.
5. The Council's reasoning is set out in the Case Officer's report. To my mind, even though I have not found that reasoning persuasive, it is sufficiently cogent and coherent to show that the Council approached the decision in a professional and reasonable manner. The Council has therefore substantiated its case, albeit not successfully on this occasion.
6. I conclude that unreasonable behaviour, justifying an award of costs, has not been demonstrated. The costs application is therefore refused.

J Felgate

INSPECTOR