



Costs Decision

Site visit made on 3 October 2023

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2023

Costs application in relation to Appeal Ref: APP/P4605/W/23/3321268 26-26a Hamstead Road, Birmingham B19 1DB

- 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 Hockley Car Spares for a full award of costs against Birmingham City Council.
 - The appeal was against the refusal of planning permission for retention of car repairs at the rear of the site.
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Decision

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

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) 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. With regards to the 3 refusal reasons, I have found in favour of the Council, and I am satisfied that the Council have presented a suitably substantiated case in support of their decision which went into appropriate detail on the effect of the proposal on the living conditions of neighbouring residents, highway safety and the effect on the character and appearance of the surrounding area. The decision notice clearly sets out the policies of the Birmingham Development Plan and the Development Management in Birmingham Development Plan Document with which the proposal would conflict. The reasons for refusal have been adequately substantiated by the Council in its Officer Report.

Conclusion

4. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award of costs is therefore not justified.

Nichola Robinson

INSPECTOR