



Costs Decision

Site visit made on 1 November 2023

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 04 December 2023

Costs application in relation to Appeal Ref: APP/Q4625/W/23/3321596 Land at Lodge Croft, Knowle, Solihull B93 0HF

- 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 Kimberley Developments for a full award of costs against Solihull Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for a two storey office block.
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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. The applicant contends that the Council behaved unreasonably in not having regard to parts of the development plan which favoured the proposal and not considering any public benefits when assessing whether public benefits outweighed the harm to Knowle Conservation Area. There is no evidence before me that the Council assessed the proposal against policy P3, the vision for Knowle or the spatial strategy for Solihull outlined within the Solihull Local Plan, Shaping a Sustainable Future (LP), December 2013. Despite making only a few changes to the delegated report in forming the appeal statement, the Council has assessed the public benefits of the scheme in their statement.
4. Although the Council has not made an explicit assessment of the proposal against LP policy P3, the vision for Knowle or the Spatial Strategy for Solihull, I do not consider that it would have changed their decision if they had. The appeal decision details my assessment of the proposal considering all the evidence, and I concluded that the appeal should be dismissed. Without further evidence I cannot conclude that the Council would have come to an alternative decision.
5. Moreover, the applicant contends that the Council has not ascribed substantial weight to the benefit of siting an office on brownfield land. Paragraph 120 of the National Planning Policy Framework (the Framework) outlines that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. As the proposal is not addressing an identified need for office space in the area, the Council was not required to ascribe substantial weight to that benefit. I

therefore do not consider that the Council has prevented a development which should clearly be permitted.

6. The lapsed planning permission for the removal of vegetation and the construction of a surface car park is materially different to the appeal proposal. All proposals are assessed on their own merit; the acceptance of that proposal is not an indication that the appeal site is not within the setting of the properties on Lodge Road and Station Road. Given this, there is no evidence before me to indicate that the Council has not determined similar cases in a similar manner.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

J Hobbs

INSPECTOR