



Costs Decision

Inquiry held on 9-11, 16-18 July 2024

Site visit made on 10, 18 July 2024

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 2nd August 2024

Costs application in relation to Appeal Ref: APP/G4620/W/24/3341688 Land North of Wilderness Lane, Great Barr B43 7AJ

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Wain Estates (Land) Ltd for a full award of costs against Sandwell Metropolitan Borough Council.
 - The inquiry was in connection with an appeal against the Council's refusal of planning permission for up to 150 new dwellings, a countryside park and associated works.
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Decision

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

Preliminary Matters

2. The application and the appellant's response were each made in writing.

Reasons

3. 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.
4. The Council's application lacks any specific reference to the example grounds set out within the PPG. Its application chiefly contains a summary of the case and matters which are subject of dispute. It is therefore difficult to clearly understand what the grounds of the Council's application are. The appellant has faced similar difficulties in attempting to respond to the application.
5. Insofar as I can discern, the Council alleges that the appeal had no reasonable prospect of succeeding. But though I have dismissed the appeal, the Council has not demonstrated that this was inevitable, and it indeed conceded one of its reasons for refusal during the Inquiry. That being so, I cannot conclude that the appellant acted unreasonably by lodging the appeal and arguing their case.

Conclusion

6. For the reasons set out above I conclude that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated, and that an award of costs is not therefore justified.

Benjamin Webb

INSPECTOR