



Costs Decision

Site visit made on 16 July 2024

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2024

Costs application in relation to Appeal Ref: APP/Q4625/W/24/3342080 213 Tanworth Lane, Shirley, Solihull B90 4BZ

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Danny Harkin for a full award of costs against Solihull Metropolitan Borough Council.
 - The appeal was against the refusal of the demolition of existing dwelling and replacement with two dwellings.
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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 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 my view, the Council has not prevented development that should clearly have been permitted. The decision notice is carefully framed. The reasons for refusal are complete, precise and specific, with reference to relevant development plan policies. The Council's thinking is set out in more detail in its Statement of Case, which substantiates each reason for refusal. While the applicant disagrees with the Council's stance, the evidence provides a reasonable basis for its approach.
4. That the Highways Officer raised no objection to the proposal and the Officer's report recommended that planning permission be granted subject to conditions is not binding on the Council. Given the particular characteristics of the site as a small and partly secluded enclave; its close relationship to adjacent housing; and the potential safety implications if extra vehicles were to use the access road, the Council had reasonable planning grounds for its contrary decision. While some of the highways information at appeal was anecdotal, the evidence provided was realistic and specific about the possible consequences for the character and appearance of the local area and the safety of road users if the proposed development were to come forward.
5. My assessment of the proposal differs to the Council. This arose because I made different judgements on the evidence before me, rather than because of significant inadequacies in the content of the Council's case. That I came to a different conclusion, and supported the appellant, does not mean that the Council has failed to substantiate its case.

6. Overall, I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been demonstrated. Therefore, the application for an award of costs is refused.

Gary Deane

INSPECTOR