



Costs Decision

Site visit made on 4 April 2025

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 08 May 2025.

Appeal Ref: APP/G4620/D/25/3360499

Whitehaven, 6 Hill Lane, Great Barr, Birmingham B43 6NA

- The application for costs 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 Sandwell Metropolitan Borough Council for a full award of costs against Mr Inderjit Sanghera.
 - The application Ref: DC/24/69937 was refused proposed double garage and landscaping to foregarden.
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Decision

1. The applications for full award of costs is refused.

Reasons

2. 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. In this case the Council has placed a counter claim of costs against the Appellant following their own claim for costs with regards this appeal. This claim is due to what the Council consider were unreasonable behaviours on the Appellant's part through them submitting a second planning application that they were aware would likely be refused a second time and the alleged desire from the outset to apply for costs against the Council. Moreover, the Council feels that the application for costs from the Appellant represents further unreasonable and unprofessional behaviour due to the allegations made and the absence of any pre application advice that could have addressed many of the issues raised prior to further applications being submitted.
4. In assessing this application for costs I recognise that the Appellant could have, had they wished, undertaken dialogue with the Council through the pre application process. Further to this, were it correct that the Appellant was actively seeking costs from the outset then this becomes a much more serious matter. However, I do not have enough evidence before me to allow me to make this judgement beyond reasonable doubt and, in this case, I am obliged to make allowances for the Appellant's inexperience in dealing with such matters.
5. As such, I am not fully convinced that this appeal was intentionally unreasonable on behalf of the Appellant and I consider that they genuinely may

have had a different experience through other applications in other areas which led to their frustration in believing that more discussion should have taken place.

6. Although I appreciate that this appeal has led to more work and expense from the Council I do not consider that the actions of the Appellant fully and convincingly represent unreasonable behaviour as defined in the Planning Practice Guidance. For this reason, and having regard to all other matters raised, an award of costs is not therefore justified.

A Graham

INSPECTOR