



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 Mr Inderjit Sanghera for a full award of costs against the decision of Sandwell Metropolitan Borough Council.
 - 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 Appellant is aggrieved primarily due the Council allegedly failing to engage proactively in their dealing with the planning application that was submitted, and, moreover, failing to discuss the refused scheme prior to determination or appeal. The Appellant is also aggrieved due to the Council allegedly not taking into account the suggested precedent examples of potentially similar, though not identical, schemes within the local area. As such the Appellant states that they have incurred unnecessary costs in engaging professional services for the application and subsequent appeal. The Appellant believes that this constitutes unreasonable behaviour.
4. In assessing this application for costs I have received comment from the Council dismissing these concerns and stating that the Council followed due process and that the reasons for refusal were set out in the Officer's report. Moreover, the Council suggest that they offer a pre application service that would have enabled such discussion prior to an application, but this was not engaged with by the Appellant. They point out that no changes were received during the subsequent application and that an email from the Appellant was suggesting that the Council retrospectively alter their decision which they were unable to do.
5. In assessing this appeal for costs I do not deem it inappropriate behaviour for the Council to refuse an application due to their opinion that the application

would not meet the relevant policies without discussion over what they obviously considered were fundamental issues. Moreover, it is common for Local Authorities not to engage in dialogue should such a scheme be deemed to be significantly against such policy and it would appear that 'tweaks' to the submitted scheme would not have enabled the proposal to meet the policy criteria. The Council do however offer the pre application service which could have provided some more constructive dialogue and enabled a potential solution to be found but this was not undertaken.

6. Although I appreciate the frustration involved in this application and although the ultimate refusal of planning permission did result in the need for this appeal and the costs associated with it, I do not consider that the actions of the Council 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