



Costs Decision

Site visit made on 20 May 2025

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2025

Costs application in relation to Appeal A Ref: APP/Q4625/W/24/3355938 Windmill Lane, Dorridge, Solihull B93 8PZ

- 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 Mr Omar Khatib for a full award of costs against Solihull Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for the erection of a dwelling and associated works.
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Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and, that the unreasonable behaviour has directly caused the party applying for costs to incur unnecessary and wasted expense in the appeal process. Paragraph 047 of the PPG indicates a list of matters that local planning authorities will be at risk of a substantive award being made against them for. The list is not exhaustive and the applicant claims that the Council behaved unreasonably during the application.
3. Paragraph 049 of the PPG indicates that local planning authorities will be at risk of a substantive award being made against them for, amongst other things, preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations; vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; acting contrary to, or not following, well-established case law; not determining similar cases in a consistent manner; or failing to grant a further planning permission for a scheme that is the subject of an extant or recently expired permission where there has been no material change in circumstances.
4. The applicant's claim provides a substantial level of detail regarding the validation date, description of development and extension of time. I have dealt with the description of development in my formal Decision and, notwithstanding the previous planning permission, the appeal before me seeks permission to build a new dwelling.
5. Although the Council advised the applicant of high levels of applications and limited resources, they then proceeded to determine the application within six weeks of the validation date. The officer report is clear in its reasoning and is based on the

adopted local plan and the National Planning Policy Framework. I have no compelling evidence that the application was not given the appropriate resource allocation for proper consideration or that the application was ill-informed. Consequently, there is no procedural unreasonable behaviour.

6. The applicant's substantive claim is based on the appeal site having previous consent for conversion of a stable building to a single dwelling and the relevant caselaw relating to inappropriate development in the Green Belt and consistency in decision making.
7. Even if I accept the applicant's claim that work was commenced on the conversion of the stables, the work was not completed, and the property was not occupied. The stable building has since been demolished and there is, therefore, no existing building to convert or to replace. The appeal site does not benefit from an extant permission that could be implemented. Moreover, the previous permission for conversion is materially different to an application for a new dwelling. The Council are not required to determine the two applications consistently and the demolition of the stable building has resulted in a material change in circumstances on the site. That the appeal proposal would result in a similar sized dwelling of a similar appearance would not justify a new dwelling in the Green Belt and in a location which is not sustainable.
8. As detailed in my formal Decision there are material differences between the appeal proposal and the caselaw referred to by the applicant. I have also found that the appeal proposal would result in substantial harm to the openness of the Green Belt and is, therefore, inappropriate development.
9. The Council has clearly set out the reasons why the development was not acceptable and reached a conclusion that the proposed new dwelling would be inappropriate development in the Green Belt and in an unsustainable location. The Council had reasonable concerns about the proposed development which justified its decision. The applicant had to address those concerns in any event and therefore the appeal could not have been avoided.
10. I therefore have no substantive evidence that the Council has acted unreasonably in this case. As such, there can be no question that the applicant incurred unnecessary or wasted expense.

Conclusion

11. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has not been demonstrated, thus the award of costs is not justified.

K Townend

INSPECTOR