



Costs Decision

Site visit made on 29 July 2025

by **D R Kay BA Dip.Arch RIBA**

an Inspector appointed by the Secretary of State

Decision date: 4th September 2025

Costs application in relation to Appeal Ref: APP/Q4625/W/25/3365963

1 Avenue Close, Dorridge, SOLIHULL, B93 8LB

- 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 M Alderson for a full award of costs against Solihull Metropolitan Borough Council.
 - The appeal was against the refusal of the Council to grant, subject to conditions, planning permission for the demolition of dwelling and garage and erection of one building containing 5 apartments together with new access onto Avenue Road, parking and landscaping.
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Decision

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

Reasons

2. 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.
3. Unreasonable behaviour on the part of a local planning authority may include it 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.
4. In claiming the costs of the appeal, the applicant submits that the Council has acted unreasonably in substantive terms, in refusing planning permission and overturning its officers' recommendation for approval to the planning committee (PC). They contend that the Council has therefore prevented and delayed development which should clearly be permitted, having regard to its accordance with the development plan, the Framework and other material considerations. They claim that despite the guidance provided in the officer's report to the PC, the Council's PC members ignored this advice and through muddled and illogical thinking, issued a flawed reason to refuse the application and therefore, did not properly exercise their development control decision making responsibilities.
5. The Council responds that members of the PC are entitled to reach a different conclusion than the officer. The Council further note that there are clear procedures for the determination of applications at PC, and that these were following in this case. The Council also note that their detailed statement of case for the appeal substantiates the PC's decision which cover the LPA's reason for refusal.

6. Having examined the evidence before me, the PC as the determining authority of the LPA, in reviewing the application may have found conflicts with policy which they determined sufficient to warrant refusal of the application, as they would be entitled to do in exercising their Planning and Compulsory Purchase Act 2004 section 38(6) duties. However, whilst I have done the same in the main appeal and have come to a different conclusion than the LPA, I do not find the LPA to have acted with substantive unreasonableness in this regard.

Conclusion

7. For the above reasons, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

D R Kay

INSPECTOR