



Costs Decision

Site visit made on 25 July 2025

by **A. J. Boughton MA(IPSD), Dip.Arch, Dip.Conservation, RIBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 September 2025

Costs application in relation to Appeal Ref: APP/Q4625/D/25/3366858 77 Hawthorne Road Castle Bromwich Birmingham B36 0HJ

- 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 Imran for an award of costs against Solihull Metropolitan Borough Council.
 - The appeal was against the refusal of Solihull Metropolitan Borough Council to grant planning permission for Single and two storey side and rear extension with single storey garage to side.
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Decision

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

Reasons

2. The Planning Practice Guidance advise 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. Costs applications do not depend on the outcome of the related appeal but upon the behaviour of the parties involved. The applicant alleges that the appeal has arisen because the reasons given for refusal are contradictory to the Council's own published design guidance, and that the Council took undue notice of local objections in reaching their decision.
4. The applicant quotes Planning Practice Guidance "*Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid material planning reasons*", and refers to comments voiced at committee by elected members. However, the quotation provided at 1.5.2 of the appellant statement of case is not reflected in the reasons given for refusal and was, no doubt, only part of what was said before the Council reached its conclusion.
5. The applicant points to the recommendation of the Council's officer report, which found the design acceptable, but also acknowledges the age of the Council's design guidance. National Policy (The Framework), however, stresses the importance of good design, with the National Design Guide indicating that an appreciation of the characteristics of existing built form is a necessary part of a successful design process.
6. Decisions based on design considerations will address differing factors in different ways and have a degree of subjectivity. It is, therefore, not unreasonable for the

Council to disagree with the opinion of officers in this regard, given the scope for differing professional and lay judgements by those involved. On that basis, the behaviour of the Council cannot be termed unreasonable.

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Andrew Boughton

INSPECTOR