



Costs Decision

Site visit made on 16 September 2025

by **P D Sedgwick BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 October 2025

Costs application in relation to Appeal Ref: APP/P4605/W/25/3367570 Northfield Shopping Centre, Bristol Road South, Northfield, Birmingham B31 2JU

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Lidl Great Britain Limited for a full award of costs against Birmingham City Council].
 - The appeal was against the refusal of planning permission for Proposed demolition of part of the existing shopping centre and the erection of a discount foodstore (Use Class E) with access, parking, landscaping and other associated works.
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Decision

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

Reasons

2. The Planning Practice Guidance 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. Examples of unreasonable behaviour by local planning authorities set out in the PPG include failure to produce evidence to substantiate each reason for refusal on appeal and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by any objective analysis.
4. The appellant's cost claim in summary submits that the council behaved unreasonably through poor engagement in the planning process by the council's Highways Department which caused significant delays in determining the application. Further, that members of the Planning Committee were not aware of key elements of the proposal and gave unreasonable justification for refusing the application during its meeting, particularly with respect to landscaping concerns which could have been addressed by a planning condition.
5. The appellant acknowledged in its costs application that the planning application was not straightforward and involved numerous rounds of consultation on technical matters, which would have delayed the determination of the application. Furthermore, the application was due to be considered by the council's Planning Committee in March 2025, but was withdrawn with the appellant's agreement, pending the resolution of outstanding drainage issues raised in an objection from the Lead Local Flood Authority. It therefore appears to me that drainage objections were the main cause of delays in determining the application and would have led to a refusal had the application been determined at an earlier committee, rather than because of a lack of engagement by the council's Highways Department.

6. The Officer's Report to the planning committee was comprehensive and explained the key elements of the proposal. The Committee Meeting Minutes does not include the content of members discussions, only their recommendation. Therefore, whilst I note the appellants summary of comments made by councillors during the meeting, I cannot be certain that it fully represents the Committee's discussions of the proposal. More particularly, I have to consider the reasons given for refusing the application, which were on design and landscaping grounds.
7. In the planning considerations section of the officer's report to the Planning Committee, objections from the council's City Design Advisor and Landscape Officer were quoted directly, in which they stated that the proposed development would adversely affect the character of the local area and would fail to create an inviting, safe and attractive environment for people. Both officers could have recommended planning conditions, but their response indicates that they would not have overcome their objections.
8. Although the planning officer made it clear in the report that he disagreed with their assessment, Councillors were entitled to agree with the professional views of the City Design Officer and Landscape Officer. The reasons given in the decision notice for refusing the application were precise, specific and reflected the analysis provided by those officers in the Report to Committee.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. As such, an award of costs has not been justified in this case.

P D Sedgwick

INSPECTOR