



Costs Decision

Site visit made on 21 October 2025

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2025

Costs application in relation to Appeal Ref: APP/P4605/W/25/3371002 75 Sarehole Road, Birmingham B28 8DY

- 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 Mr Arfan Ali (Curo Homes Limited) for a full award of costs against Birmingham City Council.
 - The appeal was against the refusal of planning permission for change of use from C3 dwelling to C2 children's care home.
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Decision

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

Reasons

2. The Planning Practice Guidance ('PPG') states that the aim of the costs regime is, amongst other things, to encourage all those involved to behave in a reasonable way and to follow good practice, and to encourage local planning authorities to properly exercise their development management responsibilities. Parties in planning appeals normally meet their own expenses, but costs may be awarded against a party who has behaved unreasonably and has thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. At ID: 16-049-20140306 the PPG provides a non-exhaustive list of examples of types of behaviour that may give rise to a substantive award of costs against a local planning authority. These include preventing or delaying development which should clearly be permitted having regard to its accordance with the development plan, national policy and other material considerations; failure to produce evidence to substantiate each reason for refusal; providing vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis; refusing planning permission on a planning ground capable of being dealt with by a condition; and not determining similar cases in a consistent manner.
4. In summary, the applicant maintains that the Council's decision was contrary to relevant local and national planning policies, that its decision was inconsistent with the approach taken by it and by the Planning Inspectorate in similar schemes elsewhere, and that its decision was unsubstantiated by tangible evidence. Additionally, he says that the alleged harm could have been addressed by a suitably worded planning condition.
5. The Council's decision was contrary to the recommendation of its officers, with its Committee expressing concerns regarding the potential impact of the use on neighbouring amenities. In support of its decision it referred, amongst other things,

to Policy DM12 of the Development Management in Birmingham DPD 2021 ('DMB'). Whilst not precluding specialist accommodation such as this in a terraced house, the policy states that it is normally most appropriately located in large, detached properties set in their own grounds, and continues that such a use in terraced houses will not be acceptable unless the amenity of adjoining occupiers can be safeguarded.

6. In reaching the decision, councillors exercised their judgement on planning matters and, having regard to the updated committee report, balanced the need for such homes against the harm they considered this proposal would cause. The Council's appeal statement explained that decision by reference to the intensity of the proposed use compared to the existing Class C3 use, and the potential impact on neighbouring occupiers in terms of noise and disturbance. Although its decision, and the justification for it, was short on detailed evidence, and I reached a different conclusion in my appeal decision, I accept that this is a fairly subjective matter where harm arising from the proposed use would be difficult to prove.
7. Following the concerns expressed at the first Committee meeting on 13 March 2025, the applicant agreed to the installation of acoustic measures. He maintains that such a scheme could have been secured by a planning condition in order to address the perceived harm.
8. However, from the information available to me, it would appear that, whilst there was the broad offer of such measures, no details were prepared and presented to the Committee on 10 April 2025 when it made its decision. It would therefore have been difficult for the Committee to determine whether or not such a scheme would be capable of overcoming its concerns. Thus, in the absence of such information, and having regard to DMB Policy DM12, it was unable to properly determine whether the amenity of adjoining occupiers would be capable of being safeguarded by an appropriately worded planning condition.
9. Although the appellant provided examples of permitted Class C2 uses elsewhere, some of which were allowed at appeal, or which involved terraced houses in Birmingham, the Council has also provided an example of a case where an Inspector held that a care home for one child in a terraced property would harm residential amenity. As I do not have the full details of all those cases or their context, I cannot reasonably conclude that the Council failed to determine similar cases in a consistent manner.
10. Summing up, whilst I reached a different conclusion from the Council, I consider that it adequately explained its decision by reference to the site and its immediate context, and with appropriate reference to the development plan. I am satisfied that it appropriately exercised its duty to determine planning applications in a reasonable manner, and that this is not a case where it prevented development which should clearly have been permitted or, on the basis of the available evidence, that it failed to determine similar cases in a consistent manner.
11. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. The application for an award of costs is therefore refused.

Chris Couper INSPECTOR