



Costs Decision

Site visit made on 13 January 2026

by M Madge Dip TP MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2026

Costs application in relation to Appeal Ref: APP/Q4625/X/24/3358141 Chadwick Court Chadwick Lane, Chadwick End, Solihull B93 0AS

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Azher Sharif for a full award of costs against Solihull Metropolitan Borough Council.
 - The appeal was against the refusal to grant a lawful development certificate ("LDC") for the proposed erection of PPC aluminium greenhouse with red brick dwarf wall and associated hardstanding pathway.
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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. The application is brought on substantive grounds.
3. It is the applicant's contention that the Council failed to have regard to the fact that they historically accepted the appeal land to be curtilage land when considering other planning application proposals. There is no statutory requirement for the red edge to identify the planning unit or curtilage to which the application relates. I therefore concur with the Council that the red edge depicted on plans accompanying the various applications only identifies the land to which they relate.
4. Determining the extent of the curtilage of a building is a matter of planning judgement, having regard to the relevant legal authorities. The Council has justified their position, and while I do not agree, that does not make their decision in this regard unreasonable.
5. While the GPDO¹ sets physical size limitations on Class E development, it also requires the development to be required for a purpose incidental to the use of the dwelling as a dwellinghouse. The courts have held that 'required' means 'reasonably required' and not just the unrestrained whim of the householder. The proposed greenhouse far exceeds the scale of a conventional domestic greenhouse and adequate information to show why it is reasonably required to indulge the appellant's gardening hobbies once he retires has not been provided.
6. Even if I had found the Council's behaviour in respect of the curtilage issue to have been unreasonable, the appeal would still have been necessary.

¹ Town and Country Planning (General Permitted Development) (England) Order 2015 as amended

7. For these reasons, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

M Madge

INSPECTOR