



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 December 2026

Costs application in relation to Appeal Ref: APP/Q4625/X/24/3358142 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 of a certificate of lawful use or development for the proposed installation of new hardstanding helipad with associated pathway.
-

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 identify 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. The Council may have concluded differently on the matter of curtilage if a site visit had been carried out. However, the onus of proof in these types of cases rests with the applicant. The Council's decision to not visit the site does not therefore constitute unreasonable behaviour.
6. 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