
Costs Decision

Site visit made on 17 March 2026 by T Morris BA (Hons) MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2026

Costs application in relation to Appeal Ref: APP/P1805/W/25/3376795

Land off Withybed Lane, Alvechurch, Easting: 401990 and Northing: 272600

- 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 Chris Brain for a full award of costs against Bromsgrove District Council.
 - The appeal was against the refusal of permission in principle for of up to 9no dwellings.
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Decision

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

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Reasons for the Recommendation

3. 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. The applicant seeks a full award of costs on the basis that the Council's Planning Committee failed to properly apply planning policy, did not substantiate its reasons for refusing the application and introduced new and irrelevant considerations to the debate.
4. However, the Council's decision is substantiated with sufficient reasons in its decision notice and statement of case, including with reference to the relevant development plan policies and the National Planning Policy Framework. Whilst the Planning Committee meeting minutes indicate that some members had questions regarding permission in principle, the Council's refusal reasons are solely based on considerations which were relevant to the proposal. The Planning Committee was entitled to disagree with the advice of officers and form its own planning judgement on the application. This does not amount to unreasonable behaviour.
5. Procedural concerns were also raised that the Council sent the completed appeal questionnaire and supporting documents to the applicant after the deadline specified on the start letter. Whilst the Council seems to acknowledge that the deadline was missed, the applicant and Council have referred to different dates on which the documents were provided, but I have limited definitive evidence to confirm either way. Although deadlines in the appeal process should normally be met, I am nevertheless satisfied that the applicant has had the opportunity to

comment on all of the Council's evidence, by virtue of their submission of final comments.

6. Furthermore, even if unreasonable behaviour has occurred as a result of the Council's non-compliance with procedural requirements, which I recognise would be frustrating for the applicant, there is little before me to confirm that this has resulted in unnecessary or wasted expense. This is because the appeal would have had to take place in any event. The decision to invoke their right to appeal rested with the applicant.

Conclusion and Recommendation

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, I recommend that an award for costs is not justified and that the application should be refused.

T Morris

APPEAL PLANNING OFFICER

Inspector's Decision

8. I have considered all the submitted evidence and my representative's report and on that basis the application for an award of costs is refused.

John Morrison

INSPECTOR