



Costs Decision

Site visit made on 15 April 2025

by **G Sibley MPLAN MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 June 2025

Costs application in relation to Appeal Ref: APP/G4620/W/24/3354923 63-65 Rood End Road, Oldbury B68 8SJ

- 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 Ranjit Singh for a full award of costs against Sandwell Metropolitan Borough Council.
 - The appeal was against the refusal of planning permission for change of use from existing flats to care home for elderly.
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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.
3. The PPG advises that all parties are expected to behave reasonably throughout the planning process. Although costs can only be awarded in relation to unnecessary or wasted expense at the appeal or other proceedings, behaviour, and actions at the time of the planning application can be taken into account in the Inspector's consideration of whether or not costs should be awarded.
4. Whilst the decision was made contrary to the officer's recommendation at planning committee, this in and of itself is not unreasonable behaviour, so long as the reasons for refusal were clearly set out in the decision notice. Whilst this may have conflicted with its own Officer's recommendations and the conclusions of other professionals, so long as this is supported by objective analysis it is not unreasonable for the decision maker to do so.
5. The evidence given in the Council's Statement of Case concerning the first reason for refusal stated that the Committee Members are entitled to give consideration to these matters under national policy and of their own knowledge and having visited the site. However, the Council has not identified the development plan policies which the development would conflict with concerning noise or air pollution in its evidence. Limited objective analysis has been undertaken to justify the Council's first reason for refusal, particularly with regard to noise and air pollution. However, while the Council's reasoning was not clearly stated, it has explained how the decision was informed by comments from interested parties. Those comments are sufficiently detailed to provide substantiated reasons for refusing the application. The second and third reasons for refusal have been supported by an objective

analysis regarding the size of the internal and external space and reference has been made to local a development plan policy for the second reason for refusal. These were also supported by evidence from interested parties. Overall, these matters are relevant to the development proposed and are not vague, generalised or inaccurate. On that basis, I find the Council did not act unreasonably in this regard and substantiated its reasons for refusal.

6. I have not been provided with other decisions made by the Council to identify that it has been making decisions in an inconsistent manner.
7. For the reasons set out in my Appeal Decision I disagreed with the Council on the planning merits of the scheme on all matters. However, the weight that is attributed to the material considerations is a matter of planning judgement by the decision maker which was the planning committee in this instance. The Council did not act unreasonably in making its own judgement on the weight to be given to these matters, including the evidence provided by the appellant and other interested parties. Taking into consideration the evidence that was before it when making its decision, the Council did not make vague, generalised, or inaccurate assertions about the proposal's impact, substantiated its reasons for refusal and it did not prevent development which should clearly have been permitted. As a result, it is not evident that the entire appeal could have been avoided.
8. The applicant was disappointed with the Council's handling of the application, procedures, and outcome. However, taking into consideration the submitted evidence, its submissions were, on balance, sufficient to substantiate its case and its behaviours and actions at the time of the planning application and this appeal have not resulted in unreasonable behaviour or unnecessary and wasted expense at the appeal stage. As such, an award of costs is not justified in this instance.

G Sibley

INSPECTOR