



Ministry of Housing,  
Communities &  
Local Government

Harris Lamb Property Consultancy  
75-76 Francis Road  
Edgbaston  
Birmingham  
B16 8SP

Our Ref: APP/P4605/W/18/3192918

Date: 24 July 2019

Dear Sirs

**LOCAL GOVERNMENT ACT 1972, SECTION 250(5)  
TOWN AND COUNTRY PLANNING ACT 1990, SECTIONS 78 and 320  
APPEAL MADE BY BLOOR HOMES (WESTERN)  
LAND AT SITE OF FORMER NORTH WORCESTERSHIRE GOLF CLUB LTD,  
HANGING LANE, BIRMINGHAM B31 5LP  
APPLICATION REF: 2017/02724/PA**

#### **APPLICATION FOR A PARTIAL AWARD OF COSTS**

1. I am directed by the Secretary of State to refer to the enclosed letter notifying you of his decision on the above named appeal.
2. This letter deals with Bloor Homes (Western) application for a partial award of costs against Birmingham City Council (hereby referred to as 'the Council'). The application as submitted and the response of the Council are recorded in the Inspector's Costs Report (CR), a copy of which is enclosed.
3. In planning inquiries, the parties are normally expected to meet their own expenses, and costs are awarded only on grounds of unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process. The application for costs has been considered in the light of the Planning Practice Guidance, the Inspector's Costs Report, the parties' submissions on costs, the inquiry papers and all the relevant circumstances.
4. The Inspector's conclusions and recommendation with respect to the application are stated at paragraphs CR31-51. The Inspector recommended that a partial award of costs is justified on the basis that but for the Council's unreasonable behaviour in not reviewing and withdrawing RfR 1 at the same time as RfR 2,

there would have been no need for Bloor Homes (Western) to present the evidence that it did on conformity with the development plan, windfall sites and the 5YHLS.

5. Having considered all the available evidence, and having particular regard to the Planning Practice Guidance, the Secretary of State agrees with the Inspector's conclusions in his report and accepts his recommendations. Accordingly, he has decided that a partial award of costs, as specified by the Inspector at paragraph CR50 is warranted on grounds of unreasonable behaviour on the part of the Council.
6. Accordingly, the Secretary of State, in exercise of his powers under section 250(5) of the Local Government Act 1972 and sections 78 and 320 of the Town and Country Planning Act 1990, HEREBY ORDERS that Birmingham City Council shall pay to Bloor Homes (Western) its partial costs of the inquiry proceedings limited solely to the unnecessary or wasted expense incurred in respect of costs incurred by Bloor Homes (Western) after the 5 July 2018 and should exclude any costs directly related to the calling and presentation of expert evidence in relation to highways, arboricultural assets, ecology, and landscape and design matters, such costs to be taxed in default of agreement as to the amount thereof.
7. You are invited to submit to the Council details of those costs, with a view to reaching agreement on the amount. Guidance on how the amount is to be settled where the parties cannot agree on a sum is at paragraph 44 of the Planning Practice Guidance on appeals, at <http://tinyurl.com/ja46o7n>

#### **Right to challenge the decision**

This decision on your application for an award of costs can be challenged under section 288 of the Town and Country Planning Act 1990 if permission of the High Court is granted. The procedure to follow is identical to that for challenging the substantive decision on this case and any such application must be made within six weeks from the day after the date of the Costs decision.

8. A copy of this letter has been sent to the Council.

Yours faithfully,

*Jean Nowak*

Jean Nowak

Authorised by the Secretary of State to sign in that behalf