
Costs Decision

Site visit made on 25 January 2022

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 February 2022

Costs application in relation to Appeal Ref: APP/J2373/W/21/3276007 20 Bairstow Street, Blackpool, Lancashire FY1 5BN

- 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 Andrew Singleton for a full award of costs against Blackpool Council.
 - The appeal was against the refusal of planning permission for a change of use from a hotel (C1) to 6 self-contained holiday apartments (Serviced Accommodation) Sui Generis.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has caused another party to incur unnecessary or wasted expense in the appeal process. The type of behaviour that can lead to a costs award includes substantive matters such as unreasonably refusing a planning application.
3. The applicant has set out a number of matters that it considers amount to unreasonable behaviour, including assessing the proposal against policy, guidance and other matters that are said to be not relevant to the development whilst failing to consider relevant material planning considerations and the merits of the proposal. Further shortcomings relating to pre-application advice provided by the Council has also been set out.
4. In the accompanying appeal decision, I have considered the policies referenced by the Council and have found them to be relevant to the proposed development as well as the Technical housing standards – nationally described space standard (2015). Although I have not been provided with a copy of the New Homes from Old Places Supplementary Planning Document, in relation to the application of policies referenced in the refusal notice and the nationally described space standards, I consider the Council's Delegated Report and Appeal Statement, despite limited references to local policies and the National Planning Policy Framework in the analysis, have set out an adequate level of reasoning to justify its decision. It is also evident that the Council considered the benefits of the proposal and the existing hotel use in its assessment, but was entitled to exercise its planning judgement, attributing weight to different matters as it saw fit.

5. On advice provided at pre-application stage, the Council has confirmed that this was withdrawn by the applicant and only general information provided. From copies of the emails between the main parties, it is clear that the Council conveyed that there was no guarantee of an approval on a planning application. The Council has also stated that with regards to 'future-proofing', that this did not form part of the reason for refusal, and accordingly, I do not find that it has acted unreasonably in this regard.
6. As such, whilst I do not share the Council's view on the main issue as set out in the appeal decision, I do not consider that it has acted unreasonably.

Conclusion

7. With the above in mind, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. An award of costs is therefore not justified in this instance.

F Rafiq

INSPECTOR