



Costs Decision

Site visit made on 2 March 2023

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2023

Costs application in relation to Appeal Ref: APP/J2373/D/22/3311508

25 Annesley Avenue, Blackpool FY3 7JD

- 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 Zach Kennerley for a full award of costs against Blackpool Borough Council.
 - The appeal was against the refusal of planning permission for erection of a first floor extension to the front of the dwelling and associated external alterations to fenestration to side.
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Decision

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

Reasons

2. 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 Appellant raises a number of points in which they believe the Council has acted unreasonably and that this behaviour has caused them unnecessary expense. These relate to failing to engage in constructive discussions and delay in terms of timescales for determination.
4. In terms of not engaging with the Appellant, The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) states that Councils are required to issue a statement on whether, and if so how, in dealing with the application, the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application. I note that the Council included a statement in the decision notice.
5. Whilst the statement does not go into detail of how the Council worked with the applicant, I note from the information before me that the Council were of the opinion that an alternative scheme would be unlikely to be acceptable.
6. The Council provide a pre-application advisory service, offering an opportunity to discuss details of a proposal which the Appellant could have engaged with to consider alternative designs. The Council are under no obligation to engage with an Applicant once an application is being consideration in terms of amendments.

7. The Council confirm that they failed to determine the application within the prescribed timeframe, by approximately a week after the determination deadline. Notwithstanding this I am not persuaded that the timeframe between expected decision date and issuing the decision caused unnecessary or wasted expense to the Appellant.
8. As a result, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

C Pipe

INSPECTOR