



Costs Decisions

Site visit made on 3 May 2023

by Debbie Moore BSc (HONS), PGDip, MCD, MRTPI, IHBC

an Inspector appointed by the Secretary of State

Decision date: 23 May 2023

**Costs applications in relation to Appeals Ref A:
APP/M2325/Y/22/3297697 and B: APP/M2325/W/22/3297633
Second Floor Flat, 11 East Beach, Lytham St Annes FY8 5ET**

- Application A is made under the Planning (Listed Buildings and Conservation Areas) Act 1990, sections 20, 89 and Schedule 3, and the Local Government Act 1972, section 250(5).
 - Application B 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 applications are made by Mr T Eade for a full award of costs against Fylde Borough Council.
 - The appeals were against the refusal of applications for listed building consent and planning permission for "rear extension to provide two additional bedrooms and bathroom to serve existing second floor apartment above existing two storey outrigger".
-

Decisions

1. The applications for an award of costs are 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 submits that the Council has been unreasonable and has caused them to incur significant costs in preparing and submitting the appeals. It is argued that there is nothing within the Council's decision letters that suggest all the key documents that were submitted with the applications were considered in a detailed manner.
4. The Council has provided the Officer's delegated report, which sets out the main issues, the relevant policies and other considerations. The conclusions reached by the planning officer are logical and there is a clear discussion of the matters at issue. The appellant's Daylight and Sunlight Study was evidently taken into account, and heritage impacts were properly assessed. While I disagreed with the Council over the effect of the proposals on designated heritage assets, and the status of the neighbour's landing window, the planning judgement exercised by the Officer in relation to those matters was not unreasonable.
5. It seems that the Officer report was not available to the appellant via the Council's website, which appears to be related to an issue with the Council's IT systems. The appellant argues that the Officer report should be signed and dated, and without that, it is not possible to verify its authenticity.

6. Although the report supplied is not signed and dated, there is nothing before me to indicate that the delegated processes followed by the Council during its determination of the applications was flawed or that the appeals could have been avoided. A dated report would not guarantee authenticity in any event. It is necessary to examine the Officer report and consider whether the conclusions reached and included in the decision notices flow from the delegated report, or whether there are any obvious omissions or inconsistencies. In this case, I am satisfied that the Council's decisions were consistent with the reasoning in the associated report.
7. The appellant points out that the Council has sought to expand its appeal statement in its 'costs' rebuttal. I confirm I have disregarded any such comments by the Council.

Conclusions

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. The applications for an award of costs are refused.

Debbie Moore

Inspector