



Costs Decision

Site visit made on 20 February 2024

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 30 April 2023

Costs application in relation to Appeal Ref: APP/J2373/W/23/3330132 Chimes Hotel, Gynn Avenue, Blackpool FY1 2LD

- 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 Mitchell Griffiths of Property Letting for a full award of costs against Blackpool Council.
 - The appeal was against the refusal of planning permission for a change of use from bed and breakfast accommodation to serviced accommodation.
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Decision

1. The application for an award of costs is allowed in part in the terms set out below.

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. Unreasonable behaviour in the context of an application for an award of costs may be either procedural, relating to the process, or substantive, relating to the issues arising from the merits of the appeal.
3. The applicant has set out several matters that it considers amount to unreasonable behaviour, including assessing the proposal against policy and guidance which they consider is not relevant to the development, as well as not considering other policies which should have been applied.
4. The Council's first reason for refusal covered several issues, including that non-original features on the building should be retained. However, these features had been on the building for many years and the application did not include any internal or external changes to the building. Notwithstanding the Council's desire to enhance the character and appearance of the building and the area, the applicant was not applying for this. Therefore, it should not have been refused for this reason.
5. In the appeal decision, I have considered Policy CS23 of the Blackpool Local Plan Part 1: Core Strategy (2012-2027), 2016 (CS) referred to by the applicant and which was discussed in the Council's officer report. Whilst Policy CS21 of the CS was not referenced by the Council, as it refers to new visitor accommodation and being located outside the defined holiday accommodation areas, I have found that it is not relevant to this case. Therefore, the Council have not been unreasonable with regards to these two policies.

6. Although I found that the Council's reference to policies on design and the SPD¹ were not relevant, housing and residential use policies were appropriate as residents would be using the facilities within the building in a domestic capacity, even if they were only occupying the premises for short periods of time.
7. The Council's second reason for refusal refers to paragraph 38 of the National Planning Policy Framework which sets out how decision making should take place. Therefore, this reason is justified and not unreasonable.
8. I have allowed the appeal and granted planning permission for the development and so I have found that the Council should clearly have granted planning permission. The development was unnecessarily delayed, and the applicant has been put to wasted expense in the process. However, whilst unreasonable behaviour has been demonstrated regarding some of the reasoning behind refusal reason one, refusal reason two is justified.

Conclusion

9. I therefore find that unreasonable behaviour, resulting in unnecessary or wasted expense as described in the PPG, has been demonstrated and that a partial award of costs is justified.

Costs Order

10. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Blackpool Council shall pay Mitchell Griffiths, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in the submission of this appeal; such costs to be assessed in the Senior Courts Cost Office if not agreed.
11. The applicant is now invited to submit to Blackpool Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

M J Francis

INSPECTOR

¹ New Homes from Old Places: Residential Conversion and Sub-Division Supplementary Planning Document adopted March 2011.