



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: 11 June 2024

Costs application in relation to Appeal Ref: APP/J2373/W/23/3322847 111 Holmfield Road, Blackpool FY2 9RS

- 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 Coastal Breaks Ltd for a full award of costs against Blackpool Council.
- The appeal was against the refusal of planning permission for use of premises for 4no. self-contained holiday flats.

Decision

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

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. This includes ignoring appeal decisions, not properly considering a fallback position, incorrectly applying adopted policies and failing to take account of all material considerations and the merits of the proposal. Moreover, the applicant claims that they were forced to submit a planning application for holiday accommodation.
4. I have allowed the appeal and consider that the space standards in this case can be applied flexibly, as determined by the Inspector in the decision at 20 Bairstow Street¹. However, the Council are entitled to apply relevant policy and use their own planning judgement, as well as comment on appeal decisions accordingly. Therefore, the fact that the Council chose not to comment on the Reads Avenue appeal² is not unreasonable.
5. The Council has determined that the lawful use of the building is residential as set out in the Lawful Development Certificate³ (LDC), granted after the refusal of planning permission. The delegated report highlighted the social problems in this area caused by an excess of former holiday accommodation being used as one-bedroom flats. They also discussed the fallback position but considered

¹ APP/J2372/W/21/3276007

² APP/J2373/X/16/3157153 and APP/J2373/X/16/3157190

³ 23/0093 Use of premises as 4no. self-contained flats

that the use of the building as holiday flats would be more harmful than a permanent residential use.

6. The fallback position is a matter of planning judgement. Whilst the applicant disputes the weight that the Council gave to this matter, the Council's concerns arose from the conflict between the development and planning policy. Therefore, whilst the fallback was a material consideration, it was not determinative to the outcome of the decision and the appeal would not have been avoided.
7. The Council refused the application as it was outside a designated Holiday Accommodation Area⁴ (HAA). It then applied CS⁵ Policies CS21 and CS23 which seek to reduce holiday bedspaces outside HAAs, the town centre and resort core. I found in my decision that the proposal would not accord with Policy CS23 and so do not consider that the Council incorrectly applied the Policy. Whilst I reached a different conclusion to the Council with regards to Policy CS21, the reasoning provided by the Council is not so flawed that it would amount to unreasonable behaviour.
8. There is no evidence that the Council forced the applicant to submit a planning application for the change of use to holiday lets. Whilst it is unfortunate that the applicant was not aware of the lawful use of the flats when they purchased them, the evidence suggests that the Council was helpful and detailed in their advice and response to this position. The applicant did not seek pre-application advice and I have seen no evidence that the Council said that planning permission would be granted for this proposal. Therefore, whilst the application was then refused, the Council were not unreasonable in this regard.

Conclusion

9. For the reasons set out above, I conclude that unreasonable behaviour, resulting in unnecessary or wasted expense as described in the PPG, has not been demonstrated. Consequently, the application for an award of costs is refused.

M J Francis

INSPECTOR

⁴ Holiday Accommodation Supplementary Planning Document, 2011

⁵ Blackpool Local Plan Part 1: Core Strategy (2012-2027), adopted 2016