



Costs Decision

Site visit made on 28 March 2024

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 18 June 2024

Costs application in relation to: APP/J2373/W/22/3313172 18 Springfield Road, Blackpool FY1 1QL

- 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 GTEC Property Holdings Ltd for a full award of costs against the decision of Blackpool Borough Council.
 - The appeal was against the refusal of planning permission for the change of use of a bed and breakfast to form 3no. 2 bedroomed self contained flats.
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Decision

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

Reasons

2. The Planning Practice Guidance 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 applicant is seeking to recover costs on the substantive grounds that the Council acted unreasonably in not determining similar cases in a consistent manner. The Costs Application points specifically to a similar application at No. 28 Springfield Road relating to the change of use of upper floors of a property, excluding the basement level.
4. The scheme at No. 28 was approved by the Council and copies of the plans and Officer Report have been provided, within which the Council acknowledges that while the basement level has not been included in the scheme it has no powers to incorporate it into the application. There is a high level of similarity in the nature and location of the appeal proposal and the approved application at No. 28. There is nothing substantive before me to suggest that there are material differences between the two schemes to justify the Council's taking a different approach and failing to determine these in a consistent manner.
5. The Council has referred to a change in deprivation statistics since the approval of the scheme at No. 28 which it alleges, combined with an existing over-concentration of small flats in the area, warrants the refusal of the appeal proposal. However, the Officer's Report for the scheme at No. 28 acknowledges similar deprivation statistics. The only difference in cited deprivation statistics is that at the time of the approval at No. 28 the area was the fifth worst for employment but at the time of the appeal proposal assessment it was the sixth worst, suggesting an improvement. Further, the Officer's Report for No. 28 acknowledges the same level of flats. It does not therefore appear that a material change in circumstances has occurred regarding deprivation statistics or concentration of small flats in the area.

6. With regard to the appeal proposal, the Council is clear that the property would lend itself best to subdivision but that consideration must be given to the quality and occupancy of the proposed flats. As can be seen from my appeal decision, I have found that the quality and occupancy levels of the flats would be acceptable, even noting the deprivation statistics and existing housing stock.
7. The Council further acknowledges that it would be possible for permission to be granted for the upper floors and for any future application for the basement to be assessed. While the Council then raises concerns about the future use of the basement, I have addressed this point in my appeal decision. Similarly, the issue as to whether the basement level at the property forms part of a single planning unit with the remainder of the dwelling was not a point for my appeal decision on the planning merits of the proposal.
8. While each case should be judged on its own merits, consistency in decision making is important. The Council has failed to provide credible evidence to justify taking a different approach in this case such that unreasonable behaviour has been demonstrated. An appeal could have been avoided if the Council's unreasonable behaviour had not taken place.
9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has been demonstrated and that a full 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 Borough Council shall pay to GTEC Property Holdings Ltd the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
11. The applicant is now invited to submit to Blackpool Borough 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.

C Rafferty

INSPECTOR