

Costs Decision

Site visit made on 17 June 2024

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2024

Costs application in relation to Appeal Ref: APP/J2373/D/24/3340033 Roseway, Robins Lane, Blackpool FY6 7QP

- 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 and Mrs James Mabbett for a full award of costs against Blackpool Council.
 - The appeal was against the refusal of planning permission for single storey rear extension, replacement of existing flat roof with new pitched hip roof, demolition of existing side porch.
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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 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 applicants cost claim is on the grounds that the Council's refusal of planning permission was unreasonable, unsubstantiated and unjustified, resulting in unnecessary expense associated with the appeal.
4. The applicants claim that the Council has failed to demonstrate and substantiate the alleged conflict with each of the relevant policies listed in the reasons for refusal, as well as its irrational claim that the proposal would be disproportionate and harmful to the Green Belt.
5. In respect of these matters, I found that the Council's Officer Report provides an adequate assessment of the proposal with reference to the relevant development plan policies. Consequently, the Council's Officer Report adequately supports and substantiates the reasons for refusal. Furthermore, I have agreed with the Council that the proposal would result in disproportionate additions and result in harm to the openness of the Green Belt. Therefore, I do not find the Council's position on this matter to be irrational.
6. The applicants also state that the Council has been erroneous in its application and assessment of the proposal against Design Note 2 of the Extending Your Home Supplementary Planning Document (2007) (SPD), and there is no conflict between the appeal proposal and this SPD.
7. For the reasons given in my Decision Letter, I concluded that the section of the SPD which the Council have found conflict with is not applicable in this particular case. Nevertheless, this is ultimately a matter of planning judgement for the

decision maker and the Council clearly judged differently. The fact that I do not agree with the Council on this specific matter does not mean they have been erroneous or acted unreasonably.

8. The appellants have referred to what they believe to be the Council's irrational and inconsistent approach to decision making. As well as the Council's failure to take into account other approved developments in the area; the previous planning approval¹ at the appeal site; and the purported fallback position.
9. I have covered all these matters in detail within my Decision Letter and explained the weight that I have attributed to each of them in my determination of the appeal proposal. Whilst I acknowledge that the Council's Officer Report may not cover all of these matters, this does not mean that the Council has acted unreasonably in its overall assessment of the appeal proposal.
10. Furthermore, whilst I may not share all the concerns put forward by the Council in respect of the appeal proposal, for the reasons detailed within my Decision Letter, I found conflict with the development plan and dismissed the appeal. Therefore, whilst I appreciate the applicants frustration, I do not find the Council's overall decision to refuse the application unreasonable and thus it did not result in an appeal that could have been avoided.

Conclusion

11. Given all of the above, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

R Major

INSPECTOR

¹ LPA Ref: 4/88/1741