



Costs Decision

Site visit made on 17 June 2024

by A Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 23 July 2024

Cost application in relation to Appeal Ref: APP/J2373/W/23/3331597 451 Lytham Road, Blackpool, Lancashire FY4 1JE

- The application is made under the Town and County Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Seelan Ttharma for a full award of costs against Blackpool Council.
 - The appeal was for the erection of single storey rear extension and single storey side extension.
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Decision

1. The application for a full award of costs is refused.

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 planning process.
3. The Appellant has a long list of around 11 separate grievances concerned with the way that the Council dealt with this scheme and the subsequent conversations by email with other managers within the council following determination of the application. It is clear from the submitted information that the Appellant was aggrieved and upset by both the professional responses received and the personal criticism that was obviously highly unprofessional and insensitive.
4. One of the main elements of the application for costs is with regards the process by which the application was determined and the absence of discussion of negotiation with regards the requirements of the Council's Green Blackpool Supplementary Planning Document (SPD). There was also some confusion arising around the need for contribution for a loss of trees.
5. Despite the findings of my appeal decision I consider that the approach taken by the Council was one that was seemingly in the best interests of the town as a whole, especially with regards the need to ensure biodiversity value is retained within such areas. Although little discussion was given to other means through which to do this other than through a green roof approach, I do not consider that the overall approach of the Council was unreasonable.
6. The reason for the refusal however did make a decision based upon a situation that was currently absent. However, to what degree this was intentionally unreasonable as opposed to genuinely believing this was the correct course of

action in the interests of good planning is still open to question and not something that I can accurately make a judgement upon.

7. Ultimately the Appellant has been thorough in seeking recompense or apology from the Council and has been directed to the Council's own complaints procedure by several managers. I suspect that this is the best means to obtain a formal judgement on these matters with regards the Council's own internal workings. However, although it is clear that the Council acted in an unprofessional manner in some instances, and that a pro active approach to what is a new SPD would have been more in the line of Best Practice, I cannot, with all confidence, suggest that these actions amount to such unreasonable behaviour as to award costs against them.
8. For this reason, and having regard to all other matters raised, an award for costs is not therefore justified.

A Graham

INSPECTOR