



Costs Decision

Site visit made on 1 April 2025

by **David Smith BA(Hons) DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11th April 2025

Costs application in relation to Appeal Ref: APP/J2373/W/24/3356826 Blackbird Apartments, 74-76 Hornby Road, Blackpool, FY1 4QJ

- 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 C Gledhill for a full award of costs against Blackpool Council.
 - The appeal was against the refusal of planning permission for a change of use from a 17 bed hotel with owners accommodation to 9 self contained holiday suites.
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Decision

1. The application for an award of costs is allowed 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.
3. The question of whether full residential standards should be applied to proposals for holiday uses has been considered in other appeals. The Inspectors in the Bairstow Street (Ref: APP/J2373/W/21/3276007), Holmfield Road (Ref: APP/J2373/W/23/3322847) and Gynn Avenue (Ref: APP/J2373/W/23/3330132) cases indicated that the size requirements specified in relevant development plan policies were relevant to visitor accommodation as a form of residential use. In the context of Blackpool, a more specific clarification of this point in the development plan might be expected. Nevertheless, having regard to those earlier decisions, it was not unreasonable for the Council to approach this matter in the way that it did.
4. In its assessment, there is little to indicate that the Council considered the different needs of holiday makers compared to long-term residents. Rather it appeared to concentrate more on potential future changes to full residential use, the alleged over saturation of small sub-standard accommodation and the consultation on changes to the Use Classes Order. This may have given the impression of a rigid application of standards but the Council was entitled to reach a judgement about the suitability of the proposed units internally. Although the argument that the mix of units was not appropriate is not clearly supported by development plan policy, the first reason for refusal was justifiable.
5. The appeal decision explains why the requirement to achieve a residential appearance at criterion 1.d. of Policy DM5 of the Site Allocations and Development Management Policies is not relevant. That interpretation is also supported by the Inspector in the Withnell Road appeal (Ref: APP/J2373/W/24/3336529) who, given the relatively recent adoption of that document was “.... not persuaded that it would

- be best served by interpreting the policy in some other way to fit the Council's requirements or to address the potential change of the use class of holiday lets."
6. Furthermore, in the Gynn Avenue appeal, the Inspector was clear that as the building was being retained in holiday use, the expectation in the *New Homes from Old Places* Supplementary Planning Document (SPD) to remove a roof lift did not apply. In the costs decision the Inspector also said that the application should not have been refused for that reason. Although a roof lift and sun lounge are different, the principle of whether it was reasonable to insist on the removal of existing built fabric in a case involving serviced accommodation had previously been settled.
 7. In general terms, the assessment of external appearance is a subjective matter. However, in this case, the Council's officer report gave no indication as to why the modest front extension was incompatible with the proposed use other than preferring that the original bay be reinstated. No mention was made of the plethora of similar additions along the street. Effectively requiring the removal of a small, lawful element within the street scene was therefore not reasonable taking account both of the policy position and its insignificant visual impact.
 8. The analysis undertaken by the Withnell Road Inspector indicated that the requirement to contribute towards tree planting in the previous SPD did not apply to new non-residential development such as holiday apartments. The decisions cited by the Council, including Dean Street (Ref: APP/J2373/C/22/3309362), deal with the general issue of whether holiday accommodation is a form of residential use but not this particular point. Nothing has been put forward to contradict the Withnell Road Inspector's specific findings.
 9. Furthermore, in the Gynn Avenue appeal it was reported that no tree contributions were required as there was an existing holiday use. In this case, 74-76 Hornby Road was previously a hotel and the Council has not explained this change of stance. It was understandable for it to persist in its position in relation to a contribution towards greening until the SPD was formally updated. However, that position was itself flawed due to the outcome of earlier, relevant appeals.
 10. Indeed, the Council has not paid sufficient attention to the outcome of appeals for similar types of development that dealt with similar issues. In the light of these decisions, it has not provided sufficient cogent evidence to substantiate the second and third reasons for refusal.
 11. Therefore, for the reasons given above, unreasonable behaviour resulting in unnecessary expense has occurred in respect of the reasons for refusal concerned with the retention of a front lounge extension and a contribution towards green infrastructure. A partial award of costs is therefore warranted.

Costs Order

12. 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 to Mr C Gledhill, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in respect of the second and third reasons for refusal of the decision notice dated 11 September 2024; such costs to be assessed in the Senior Courts Costs Office if not agreed.

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.

David Smith

INSPECTOR