



Costs Decision

Site visit made on 12 January 2026

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an Inspector appointed by the Secretary of State

Decision date: 04 February 2026

Costs application in relation to Appeal Ref: APP/M2372/X/25/3366723

42 Fore Street, Lower Darwen, Blackburn BB3 0QD

- The application is made under the Town and Country Planning Act 1990, sections 195, 322 and Schedule 6 and the Local Government Act 1972, section 250(5).
 - The application is made by Unified Welfare Ltd for a full award of costs against Blackburn with Darwen Borough Council.
 - The appeal was against the refusal of an application for an LDC for use of a C3a dwelling for a children's home for a maximum of two children with two carers sleeping overnight.
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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 (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 Council, in exercising their duties as Local Planning Authority, has properly assessed the proposed change of use and the process for registration of a children's home is outside of their control. There are errors in the Officer's Report but these do not meet the test of unreasonableness, and the Council's appeal statement is, with regard to the assessment of the proposed use of the property, suitably specific. It is a well-established planning principle that, particularly with regard to whether there would be a material change of use, a case must be determined on its individual merits. The Council cannot be criticised for following this principle.
4. The Council has not acted unreasonably and the Appellant has not therefore incurred wasted expense. The application for an award of costs thus fails.

John Braithwaite

Inspector