



Costs Decision

Inquiry held on 2, 3 and 4 June 2026

Site visit made on 3 June 2026

by Mark Harbottle BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th July 2026

Costs application in relation to Appeal Ref: APP/J2373/C/26/3377202

Land and building known as 302 Promenade, Blackpool FY1 2EY

- The application is made under the Town and Country Planning Act 1990, sections 174, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Blackpool Council for a full award of costs against 1508 Seaside Limited.
 - The inquiry was in connection with an appeal against an enforcement notice alleging the material change of use of the property from self-contained holiday flats to permanent self-contained residential flats for persons with no other place of abode.
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Decision

1. The application for an award of costs is refused.

The submissions for Blackpool Council (the applicant)

2. The costs application was made orally at the inquiry and in writing. The applicant contends that the respondent acted unreasonably by:
 - Introducing fresh and substantial evidence at a late stage, questioning the applicant's witnesses on material they had not seen and its own witnesses on matters not in their proofs or statements.
 - Prolonging the proceedings by raising matters relating to grounds of appeal that had not been brought.
 - Providing manifestly inaccurate or untrue information in respect of evidence that had and which had not been produced and a key witnesses inability to recall matters.
 - Not agreeing factual matters common to witnesses of both parties, going over issues and evidence that were not in dispute.

The response by 1508 Seaside Limited (the respondent)

3. The response was made in writing. The respondent contends that:
 - Its evidence was directed to core issues in the appeal and matters that were already known to the applicant. When material that witnesses had not seen was referred to, the issue was raised in good faith and quickly dealt with.
 - Its evidence related to the grounds of appeal that had been brought and the applicant's own witnesses had brought evidence relating to an appeal on ground (a) that had not been made. Questioning the applicant's planning judgement does not automatically amount to an appeal on that ground.

Questions about the service of copies of the notice were concerned with its fairness, clarity and reliability.

- At most, the applicant identifies matters where there was confusion, disagreement, lack of recollection, or clarification during the inquiry, all falling short of the threshold for unreasonable conduct.
 - While the use of the property since 2023 was not in dispute, evidence relating to it was material to challenging the applicant's belief that the material change of use had occurred in 2024.
4. As a generality, the respondent points out that its advocate is not qualified in law or planning and so accepts that some questions may not have been phrased with technical precision.

Reasons

5. 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.
6. Dealing with the respondent's general point first, I appreciate that its advocate had limited experience and did not have a professional background in planning or law. However, the required standards of behaviour in the appeal process apply equally to all participants.
7. The respondent questioned one of the applicant's witnesses about an email he had not seen. However, this was quickly identified as unacceptable, and the line of questioning went no further. While that might be unreasonable behaviour, it added no more than a few minutes to the inquiry, which did not overrun.
8. The respondent's cross-examination of the applicant's other witness included reference to the grant of a certificate of lawful use or development (LDC) relating to the adjacent property. While a copy of that decision had not been presented, it had been mentioned, with reference number, in the proof of evidence of one of the respondent's witnesses. It is therefore reasonable to assume that the applicant was aware of the matter; indeed, the witness was able to speak about it, and why she did not consider the same decision would be made now, with authority. These facts lead me to the view that this was not unreasonable behaviour.
9. The respondent's reference to the LDC was not an attempt to introduce an appeal on ground (a). While the respondent may not have fully appreciated the difference between an LDC and a grant of planning permission, the decision was relevant to the appeal on ground (c). Furthermore, I would be wary of criticising a party for straying into matters pertaining to ground (a) when the other has set out planning policy at length in one of its proofs.
10. The respondent's advocate appeared at times to be confused about what evidence was and was not before the inquiry and what had been said by witnesses. Resolving those issues took only a few minutes and as already noted, the inquiry did not overrun. Therefore, even if any of this had been unreasonable behaviour, it made no appreciable difference to the length of the inquiry and the applicant's expenditure in the appeal process.

11. A witness's inability to remember something does not amount to unreasonable behaviour on the part of the party calling that witness.
12. The provision of evidence of occupiers, their licences and payments since 2023 could not demonstrate how the whole building had been used since 1 December 2015 or how any apartment had been used since 1 December 2021. Accordingly, that material could only provide limited assistance in the appeal on ground (d). However, and despite some data being redacted, it would have been relatively easy for the applicant, as I found, to decide that it did not require detailed analysis.
13. The respondent put questions to witnesses about this evidence despite the applicant having made clear, early in the inquiry, that it was not disputed. While that line of questioning was therefore unnecessary, it was easily dealt with and did not cause the inquiry to overrun. It therefore cannot have added to the applicant's expenditure in the appeal process.
14. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

Mark Harbottle

INSPECTOR