



Costs Decision

Site visit made on 1 August 2017

by Paul Dignan MSc PhD

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 August 2017

Costs application in relation to Appeal Refs APP/P2114/X/16/3156444 and APP/P2114/W/16/3165764

Roadside Inn, Nettlestone Green, Seaview, PO34 5DX

- 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 Questmap Limited for a full award of costs against Isle of Wight Council.
 - The appeals were against the refusal of the Council to issue a certificate of lawful use or development for Continued use of ground floor as retail (Class A1) and against the refusal of planning permission for Change of use of letting rooms associated with former public house (at first floor level) to create 2 no. 1 bedroom apartments and 1 no. 2 bedroom apartment.
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Decision

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

Reasons

2. Parties to a planning appeal are normally expected to bear their own costs, but costs can be awarded where the unreasonable behaviour of a party has caused another party to incur unnecessary or wasted expense. In this case the appellant submits that the Council did not have evidence of sufficient substance to justify withholding the LDC, which in turn led it to incorrectly assess the planning application. However, while I acknowledge that its officers' advice to planning committee was to grant the LDC, I am satisfied that it had evidence of substance in the form of sworn statements of local people and neighbours that cast a fair degree of doubt on the appellant's evidence. I came to a different conclusion, but on the evidence available to the Council I am satisfied that it was entitled to come to the decision to refuse to issue the LDC. That decision was reasonable in my view, and it follows that it had no option but to assess the planning application in the context of the lawful use of the site being as a public house.
3. Overall, my conclusion is that unreasonable behaviour on the part of the Council leading to wasted or unnecessary costs for the appellant has not been demonstrated, and it follows that an award of costs is not warranted.

Paul Dignan

INSPECTOR