



Costs Decision

Site visit made on 03 October 2020

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 October 2020

Costs application in relation to Appeal Ref: APP/P2114/W/20/3251644 Hazelwood, Manna Road, Bembridge PO35 5UX

- 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 Kevin Jennings for a full award of costs against Isle of Wight Council.
 - The appeal was against the refusal of planning permission for demolition of workshop; proposed two storey detached dwelling and formation of vehicular access, garage extension to existing dwelling, formation of vehicular access and cladding to existing dwelling.
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Decision

1. The application for an 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 appeal process.
3. The Appellant states that the Local Planning Authority (LPA) behaved unreasonably in that it:
 - Gave initial positive feedback regarding the potential for development, leading the Appellant to produce a legal agreement and progress with an application, and;
 - Failed to substantiate its reasons for refusal by giving vague reasons regarding the character of the area and not applying sufficient weight to the demolition of an unattractive workshop building.
4. The principle of residential development in the location of the appeal site is acceptable and it would not have been unreasonable of the LPA to have communicated this to the Appellant. The LPA clearly communicated to the Appellant the concerns it had regarding the design and sought to negotiate with the Appellant through the submission of amended plans. The LPA weighed the presence and appearance of the existing workshop into its decision making and found that this did not overcome the harm to the character of the area it had identified.

5. The reasons for refusal given by the LPA, though relating to subjective issues of design and character, were substantiated by specific reasoning relating to the size, scale, mass and layout of the appeal proposal.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Kim Langford Tejrar

INSPECTOR