



Costs Decision

Site visit made on 9 January 2023

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2023

Costs application in relation to Appeal Ref: APP/P2114/W/21/3287236 D Andrea, Thornton Close, Ryde PO33 1PF

- 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 Mrs H Williams for a full award of costs against Isle of Wight Council.
 - The appeal was against the refusal of planning permission for 'variation of condition 2 on P/01165/17 to allow alterations to design and layout' without complying with a condition attached to planning permission Ref P/00337/19, dated 22 May 2019.
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Decision

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

Reasons

2. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. The PPG sets out at paragraph 49¹ the types of behaviour that might give rise to an award of costs against a local planning authority on substantive grounds which relate to the issues arising from the merits of the appeal. This includes making vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. The applicant has applied for an award of costs on the basis that the Council's reason for refusal was not based on an objective assessment of the scheme given that the Council did not undertake a site visit. Although the applicant acknowledges that case officers have local knowledge, the officer for the appeal scheme, in not visiting the site, could not have made an assessment of the impact on character and appearance on which the proposal was rejected. Even accepting that in some circumstances the likes of Google Maps 'Streetview' facility may enable this to occur, in this case the images are not fully up to date.
5. There is no statutory obligation to carry out a site inspection prior to deciding an application. It is not disputed that the case officer who dealt with the appeal scheme had not visited the site. However, as this was the third application at

¹ Paragraph: 049 Reference ID: 16-049-20140306

the site to be dealt with by the Council since 2017, and I consider that officers had a reasonable awareness and knowledge of the site.

6. Photographic evidence of the site showing the arrangement of buildings when viewed from Appley Road was submitted with the application as well as being available on Streetview. Whilst views from Thornton Close on Streetview date back to 2009 and therefore pre-date any of the applications on the site, these older Streetview images could nevertheless have provided the case officer with sufficient understanding of the character of the street. The site plans also provide information as to plot sizes.
7. In combination with existing knowledge of the site within the team, I am therefore satisfied that the case officer had sufficient information to make an assessment of the effect of the proposal on the character and appearance of the area and that the reason for refusal was not unsupported by any objective analysis. Whilst I have not agreed with that assessment, this is a matter of planning judgment and does not mean that the Council has behaved unreasonably.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. An award of costs is therefore not justified.

Rachael Pipkin

INSPECTOR