



Costs Decision

Site visit made on 22 August 2024

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th September 2024

Costs application in relation to Appeal A Ref: APP/P2114/W/23/3331485 Land to the Rear of Star Cottages, Camp Road, Freshwater, Isle of Wight, PO40 9HT

- 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 Mantas Gritenas for a full award of costs against Isle of Wight Council.
 - The appeal was against the refusal of permission for the alterations and conversion of building to form self-contained dwelling to include replacement raised roof.
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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. In this instance, the appellant has set out that the Council has prevented or delayed a development that should clearly have been permitted. As I have also found harm in relation to two of the main issues, I do not find that the Council has acted unreasonably in this regard.
4. With regards to daylight and ventilation, the Council's officers are within their rights to exercise their professional judgement. While I have disagreed with the Council's conclusions on those matters, I do not consider that they have acted unreasonably.
5. The other reasons for refusal, relating to affordable housing contributions and the impact of the development on areas of environmental importance, could have been dealt with through a suitable planning obligation. However, given that the Council was minded to refuse the application, it is not unreasonable for them not to have sought to agree the planning obligation.
6. Finally, the appellant has suggested that the Council has been inconsistent in its decision making. In doing so, they have directed my attention to another scheme that was permitted at Bay Tree Cottage. However, from the evidence before me, including the officer report and plans, it appears that the dwelling was set within a generous plot and is therefore not directly comparable to the appeal scheme before me.

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7. I therefore cannot conclude that the unreasonable behaviour has caused the appellant to incur unnecessary or wasted expense, and an award of costs is not warranted.

C Butcher

INSPECTOR