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## Costs Decision

Site visit made on 2 September 2025

by **S Leonard BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 September 2025

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### **Costs application in relation to Appeal Ref: APP/P2114/W/25/3364263**

#### **Land at Landscape Lane, Newport, Isle of Wight PO30 2NG**

- 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 C Ferns (Cotton Trust) for a full award of costs against Isle of Wight Council.
  - The appeal was against the refusal of the Council to grant outline planning permission for 12 houses and formation of vehicular and pedestrian access and provision of pedestrian crossing on Staplers Road.
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### **Decision**

1. The application for an award of costs is allowed in the terms set out below

### **Reasons**

2. The Planning Practice Guidance (the Guidance) advises that parties in planning appeals are normally expected to meet their own expenses. Irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby causes the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The Guidance advises that parties who pursue an appeal unreasonably without sound grounds for appeal, may have an award of costs made against them. It confirms that awards against local planning authorities may be either substantive, relating to the planning merits of the appeal, or procedural, having regard to behaviour in relation to completing the appeal process. The applicant is seeking an award of costs on substantive grounds.
4. The Guidance states that examples of unreasonable behaviour by local planning authorities which may give rise to a substantive award of costs include preventing or delaying development which should clearly be permitted having regard to its accordance with the development plan, national policy and any other material considerations; failure to produce evidence to substantiate each reason for refusal on appeal; and vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective evidence.
5. The application was originally recommended for approval, following lengthy negotiations between the Council and the applicant. These involved the advice of the Highways Authority and resulted in a number of revisions to the originally submitted scheme before reaching the version which was supported by planning and highways officers.

6. The Council's decision is one which is a matter of judgement. The Council Members in this case were entitled not to accept the professional view of officers, so long as a case could be made for the contrary view.
7. My appeal decision, which accompanies this costs decision, and should be read in conjunction with it, explains why I have allowed the appeal. Specifically, it explains why I have found that the Council has not provided substantive evidence to support its reason for refusal which considers that the proposal would result in harm to pedestrian and highway safety due to failing to provide safe pedestrian access and connectivity to the existing public footway network and primary bus routes to access local services.
8. Nor has the Council provided any other detailed compelling evidence as to why it considers the proposal would conflict with the objectives of Core Strategy Policies SP7, DM2 and DM17.
9. As such, I find that the Council failed to produce evidence to substantiate its single reason for refusal, and that it relied upon vague and generalised assertions about the proposal's impacts upon pedestrian and highway safety with particular regard to pedestrian connectivity to the existing public footway network and nearby primary bus routes which were unsupported by objective analysis.

### **Conclusion**

10. I therefore find that, by refusing the planning application based on the single reason for refusal, and by not presenting full and detailed evidence to support its case at appeal, the Council has relied upon a reason for refusal which does not stand up to scrutiny on the planning merits of the case. This has caused the applicant avoidable delay by having to go through the appeal process.
11. This has comprised unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance. An award of costs to cover the expenses incurred by the applicant as a result of having to contest the Council's reason for refusal is therefore justified.

### **Costs Order**

12. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Isle of Wight Council shall pay to Mrs C Ferns (Cotton Trust) the costs of the appeal proceedings described in the heading of this decision, limited to those costs incurred as a result of contesting the Council's reason for refusal.
13. The applicant is now invited to submit to Isle of Wight Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

*S Leonard*

INSPECTOR