
Costs Decision

Site visit made on 2 February 2026

by **H Nicholls MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 March 2026

Costs application in relation to Appeal Ref: APP/P2114/W/25/3371371 Comforts Farm, Pallance Road, Cowes, IoW, PO31 8LS

- 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 Y and F Downer and Long of Comforts Farm for an award of costs against Isle of Wight Council.
 - The appeal was against the refusal of planning permission for outline application for 14 dwellings, with approval sought for access, layout and scale.
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Decision

1. The application 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. Local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. Examples of this 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;
 - vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. The applicant has not specified whether the application is made for a full award or partial award but I have treated it on the basis that it is the former.
5. It is alleged that the Council failed to respond to a pre-application, failed to proactively engage with the applicants during the course of the application and have not adequately assessed the balance of considerations. It is also suggested that the reasons for refusal are unjustified and do not stand up to scrutiny on the planning merits of the case. Ultimately, the applicants' belief is that the appeal was avoidable and thus, the costs of submitting it have been accrued unnecessarily.
6. Whilst the lack of a pre-application response is regrettable and may have contributed to the applicants' decision to pursue the scheme in the way that it did,

this aspect falls outside of the appeal process. I have however taken this into account as part of the overall picture as to whether the Council's behaviour was genuinely unreasonable.

7. I have considered each of the stated reasons for refusal and find that they are not vague or generalised. Whilst many have been addressed through submission of evidence with the appeal, the Council has defended its position in relation to each reason. Whilst my separate decision ultimately concludes in favour of the applicants, this outcome was not a given and the Council was not unreasonable for having taken the view that it did based on the available evidence at the time of its decision.

Conclusion

8. For the above reasons, I do not find that procedural or substantive unreasonable behaviour has been demonstrated and neither a full nor partial award of costs is justified.

H Nicholls

INSPECTOR