

Appeal 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

Appeal Ref: APP/P2114/W/25/3371371

Comforts Farm, Pallance Road, Cowes, IoW PO31 8LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
- The appeal is made by Mrs Y and F Downer and Long of Comforts Farm against the decision of Isle of Wight Council.
- The application Ref is 24/01611/OUT.
- The development proposed is outline application for 14 dwellings, with approval sought for access, layout and scale.

Decision

1. The appeal is allowed and planning permission is granted for 14 dwellings, with approval sought for access, layout and scale at Comforts Farm, Pallance Road, Cowes, IoW, PO31 8LS, in accordance with the terms of the application, Ref 24/01611/OUT, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by the appellant against the Council. This application is subject of a separate decision.

Preliminary Matters

3. The application was made in outline form with detailed access, layout and scale. As such, I have treated details relating to the reserved matters of appearance and landscaping indicative in nature.
4. A S106 planning agreement dated 19 March 2026 was submitted to provide a contribution towards affordable housing; biodiversity net gain measures (BNG); the provision of a footway and separate contribution towards the enhancement of an existing footpath; open space and management measures; bus stop enhancements and contributions towards the Solent Special Protection Area (SPA). I address this further below.

Main Issues

5. The main issues in the appeal are:
 - whether the location of the development would accord with local policies for new housing;
 - whether future occupiers would have genuine choices as to how to access facilities beyond the private vehicle and whether there would be any prejudice to the safety of highway users;
 - the effects of the proposal on the character and appearance of the area;

- whether the appeal proposal would adequately respond to local housing needs, including the provision of affordable housing;
- the effects of the proposal on the SPA;
- the effects of the proposal on the frontage hedgerow;
- whether the proposal would secure Biodiversity Net Gain (BNG); and
- whether the scheme would be served by adequate means of drainage.

Reasons

Location of development

6. The appeal site is a parcel of agricultural land located approximately 3 km to the south-west of Cowes. It is formed from the frontage of a larger 3.4 hectare irregularly shaped agricultural field to the north of Pallance Road, enclosed by trees, hedgerows and perimeter scrub. Residential development is situated on the opposite side of Pallance Road.
7. The appeal site is within the Medina Valley Key Regeneration Area (MVKRA) as defined by the Isle of Wight Core Strategy (adopted 2012) (Core Strategy) and is outside of, but immediately adjacent to the defined settlement boundary for Cowes. Core Strategy policy SP1 sets out that proposals within or immediately adjacent to the defined settlement boundary of the MVKRA will be supported.
8. The Gurnard Neighbourhood Development Plan (adopted 2017) (GNDP) policy H1.1 specifies that new residential development for Gurnard Parish falling within the MVKRA Area should be prioritised to first be located within the settlement boundary, or on specifically identified Sites A and B. It goes on to state that residential development will not be permitted on any other sites unless it is to meet an identified local need or is on a site immediately adjacent to the settlement boundary and MVKRA and is necessary to meet an identified shortfall in the delivery of housing across the Plan period.
9. The Council has conceded that it cannot demonstrate a five year supply of housing with necessary buffer as required by the National Planning Policy Framework (the Framework) with only a 3.5 year supply capable of being demonstrated. Furthermore, the Council has only delivered 76% of the required number of homes over the relevant three year period under the Housing Delivery Test. Whilst these factors bring the provisions of paragraph 11d) of the Framework into play later in this decision, they also demonstrate that the scheme complies with policy H1.1 of the GNDP insofar as the site is immediately adjacent to the settlement boundary and is necessary to meet an identified shortfall in the delivery of housing across the plan period.
10. In policy terms, the location of the development does not conflict with the aforementioned policies of the development plan.

Access to facilities and highway safety

11. The second aspect of the locational unsuitability advanced by the Council is the site's distance from services and facilities and limited ability to connect occupiers with such via non-car modes of travel. In this regard, Core Strategy policies SP7 and DM17 support proposals that increase travel choice, provide alternative means of travel to the car, provide and improve accessibility for pedestrians,

cyclists and public transport. The preamble to policy DM17 explains the importance of reducing the need to travel, particularly by car. GNDP policy T3 also seeks to support proposals where they improve the existing cycleway and footpath network and provide connections between the wider countryside and coastal path.

12. The appeal site is at the far end of the combined settlement boundary for Cowes, Gurnard and Northwood, with the appeal site being closest to the village amenities in Northwood. Despite the settlement boundary including housing directly opposite the appeal site, these too are similarly distant and disconnected from facilities and services which begs the question why the settlement boundary extends as far as it does down Pallance Road. Pallance Road is a 30mph road, largely devoid of pedestrian footways for its length until its junction with Place Road and has limited streetlighting. Place Road to the north-east provides onward footway connectivity into Cowes centre.
13. Whilst I have not been provided with any accident data, the combination of two way traffic, pedestrians and cyclists all sharing the same constrained space is an undesirable situation, particularly with stretches of cars parked within the highway. This is already an issue identified by residents who are campaigning for safety improvements along Pallance Road. Whilst the appeal scheme would provide a short stretch of footway at the frontage and an improved bus waiting area, these would not ensure pedestrian safety for the remainder of Pallance Road to enable access to everyday facilities and services.
14. If one can safely reach the junction with Place Road on foot, there are dedicated footways and nearby bus stops serving a modest range of destinations. If one elects to use a car, the Cowes Park and Ride and a range of everyday services are reachable by very short journeys from the appeal site. The various centres of Cowes, Gurnard and Northwood are also short distances by bus or vehicle, though they are beyond a typical 20 minute walk which is the upper desirable limit.
15. A bus stop exists outside the site's frontage. It is on the local circular route connecting Cowes and Northwood via Gurnard and currently offers 3 services per day only on Tuesdays, Wednesdays, Thursdays and Saturday. The Pallance Road bus stop exists within the highway directly outside of the site and there is no dedicated refuge outside of the carriageway for patrons of this service. The appeal scheme proposes to provide an area on land outside of the carriageway to provide a safer waiting area for bus patrons. An internal section of footway within the appeal scheme would also take bus patrons out of the carriageway for at least some length of Pallance Road.
16. There are two public footpaths near to the site, Nos CS14 and CS20. Even if the off-road link to CS20 would be extended from the appeal site, neither would be directly accessible without needing to cross or traverse a section of Pallance Road. One of these footpaths, CS14, offers some degree of advantage for pedestrians seeking to access local facilities in Northwood; CS20 appears to be more recreational in nature. Any upgrading works to CS14 could offer a limited benefit to existing occupiers and future occupiers of the appeal site.
17. The provision of the access, visibility splays, turning space and off-street parking are uncontentious aspects of the proposal from the view of the highways consultee and I find no reason to conclude otherwise. There would be vehicular movements

associated with the occupiers of the 14 dwellings but they could be accommodated without material effect on the capacity of the highway.

18. Overall, future occupiers would have more limited travel mode choices by virtue of the site's distance from the respective service centres and the nature of Pallance Road itself. These limitations are also faced by many existing occupiers of Pallance Road in the vicinity of the appeal site. My overall conclusion is that the site is suboptimal in sustainability terms and that the increased footfall within Pallance Road would compromise the safety of highway users. As such, the proposal conflicts with policies DM2, DM17 and SP7 of the Core Strategy. Amongst other things, these policies seek to support proposals that increase travel choice, provide alternative means of travel to the car such as through improving accessibility for pedestrians, cyclists and by public transport.

Character and Appearance

19. The appeal site is formed from a part of a wider irregularly shaped pastoral field enclosed by trees and hedges. The site slopes from the east down in a westerly direction. The area surrounding the appeal site is largely characterised by rolling open farmland to the north and west, and ribbon development of detached and semi-detached dwellings along Pallance Road which are of mixed size and character. The frontage of the site is lined with trees which would largely remain as a defining feature of Pallance Road. The wider field is relatively open in views from the west and footpath CS20.
20. The proposed 14 dwellings would be arranged in linear form set behind the retained frontage trees an internal access road with pedestrian footway. The remainder of the field would remain open. As the layout and scale of the proposal are detailed at this outline stage, the plans show a mix detached and semi-detached two storey dwellings, with five properties benefitting from detached garages. Landscaping is proposed to the rear of the houses to limit the effect of the development on the adjoining open countryside and in views from the west and footpath CS20.
21. To facilitate the provision of an access, visibility splays and pedestrian connection to the bus stop, a modest number of trees would be removed. However, given the modest number of removals, this would be of negligible effect on the character and appearance of the area. However, the introduction of dwellings, garages and the access road would have an urbanising effect on the greenfield site and would be visible from footpath CS20 but also through the trees along Pallance Road, particularly in winter time. Whilst there would be some benefit of providing landscaping to soften the effects of the development, particularly at the rear of the dwellings and gardens, this would take a while to establish and would not entirely screen the development or fully assimilate it into its context.
22. The general two storey scale of the dwellings would be in keeping with the surrounding built context. Whilst it is suggested that the repetitive house types would be at variance with the more mixed styles of housing along Pallance Road, I do not consider that it would be contrived. There would be an ability to include differences between the detailing and materials within the dwellings to provide some variety within the streetscene.
23. For the foregoing reasons, the scheme would be harmful to the character and appearance of the area, contrary to Core Strategy policies SP1 and DM2 which

seek for development on non-previously developed land to clearly demonstrate how it will enhance the character and context of the local area.

Suitability of housing mix

24. Core Strategy policy DM3 supports development proposals that provide an appropriate mix of housing types and sizes and are expected to reflect the most up-to-date Strategic Housing Market Assessment, contribute to meeting the identified housing need for the local area and contribute to meeting specialist housing requirements. Core Strategy policy DM4 sets out that development proposals of 1-9 units are expected to provide 35% affordable housing on site or within Key Regeneration Areas, schemes of 1 – 14 units are expected to provide financial contributions. These targets for affordable housing help to deliver the 489 affordable dwellings required annually to meet the local identified need.
25. Policy DM5 of the Core Strategy seeks to make provisions for specialist accommodation for older people and indicates that major developments should deliver between 20% and 25% of the site as accommodation suitable for older people, through open market housing that has been designed to take into account the needs of older people or specialist housing.
26. GNDP policy H1.2 echoes the requirements of policies DM3, DM4 and DM5 and sets out that proposals should demonstrate how they provide the housing types, design and tenures that where appropriate meet local housing need, in particular the need for housing suited to older people.
27. The key points raised by the Council about the housing mix are that the number of dwellings is one below the threshold at which an on-site provision of affordable housing would be necessary, that the housing mix is skewed towards larger house types and omits housing specifically suitable for older people.
28. The appeal application form and submitted plans detail that the housing mix of exclusively market housing would comprise 2 x 2 bedroom (14%), 8 x 3 bedroom (57%) and 4 x 4 bedroom (29%). This contrasts with the Council's preferred market housing mix based on the 2022 Housing Needs Assessment of 5% 1 bed, 35% 2 bed, 40% 3 bed and 20% 4 bed. The scheme does not meaningfully seek to provide any accommodation for older people either.
29. In respect of affordable housing, it is clear that the remainder of the wider field is within the appellant's control and that the extent of the site is relatively arbitrarily separated from the remainder of the land. There seems little reason to exclude a fifteenth or higher number of dwellings that would have ensured the delivery of a greater proportion of affordable housing (35%). Whilst the scheme would be technically policy compliant insofar as a financial contribution towards affordable housing would be made via the S106 agreement in lieu of an on-site provision, it would not be optimised to deliver the maximum deliverable benefit. Though the appellant suggests that the provision of BNG relies upon the balance of the wider field and that a greater number of dwellings would result in greater harm to the character and appearance of the area, I do not agree that the delivery of a small number of additional dwellings would be decisive on either of these matters.
30. For the foregoing reasons, the appeal proposal would not adequately respond to local housing needs and would therefore conflict with the full requirements of Core Strategy policies DM3, DM4 and DM5 and GNDP policy H1.2.

Solent Special Protection Area

31. The appeal proposal has the potential to affect the Solent Special Protection Area (SPA) which is designated under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). The mudflats, shingle and saltmarshes of the SPA provide essential winter feeding and roosting grounds for overwintering waterbirds, including Dark-bellied brent goose, Eurasian teal, Ringed plover, Black-tailed godwit and Little tern. The wide range of recreational activities which take place on this coast can result in disturbance to the birds, albeit often unintentional, from activities such as walking and dog walking and water sports.
32. Any proposal within 5.6km 'Zone of Influence' (ZoI) that may result in additional recreational disturbance is likely to have an adverse effect on the integrity of the SPA, contrary to its stated conservation objectives which include the need to maintain or restore the integrity of the site and ensure that it contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring the extent and distribution of the habitats and structure and function of the habitats of the qualifying features.
33. The appeal site is located within the ZoI and the proposal is not directly connected with or necessary for the management of the SPA. However, the proposal, given its scale, nature and distance within the ZoI, would be likely to have significant effects either alone, or in combination with other projects. Whilst the effects on nutrient levels within the wider Solent Protected Sites can be screened out, the effects of the proposal from recreational effects cannot and an Appropriate Assessment under the Habitats Regulations is therefore required.
34. In this case, a S106 agreement has been secured which requires the payment of proportionate recreational mitigation payments under the Solent Recreation Mitigation Strategy (2017). The contributions will be made available for use prior to occupation of any dwellings and will go towards measures that mitigate the enhanced recreational pressures and align with the conservation objectives, such as awareness raising, signage and employment of rangers.
35. As competent authority, I am satisfied that the mitigation measures secured through the planning obligations will ensure that the developments would not result in an adverse effect on the integrity of the SPA and thus, complies with policy E2 of the GNDP and policies D2 and DM12 of the Core Strategy. I have had regard to the advice of the statutory nature conservation body on this matter.

Effects on hedgerows

36. The Council maintains its position that the frontage hedgerow is an important hedgerow for the purposes of the Hedgerow Regulations 1997 (as amended). The submitted Hedgerow Regulations Assessment offers another professional opinion that the tree lined frontage does not fall under the definition of a hedgerow owing to its width and that it is a woodland belt with an understorey of shrubs and vegetation.
37. My observations of the site visit were that it is clearly a linear tree feature but that there were gaps at the base level between the trees which are typically well spaced. Whether this was due to the deciduous nature of the trees forming the understorey layer is less clear. However, I note from the plans that the removals from this feature, whether hedgerow or wooded boundary, would be modest in

number and would be in the most logical part of it, where there is a greater degree of openness at the access point to Comforts Farm. By placing the access in this position, the integrity of the feature would be maintained and the harm to local distinctiveness and ecology would be kept to a minimum.

38. For the foregoing reasons, the proposal would not unduly harm the frontage hedgerow such as to conflict with policy E2 of the GNDP and policies DM11 and DM12 of the Core Strategy. These policies collectively seek to ensure that new development conserves, enhances, and promotes the landscape, seascape, biodiversity and geological interest and the special character of the Island's historic and built environment.

BNG

39. The appeal application was submitted with pre- and post-development BNG values which indicate that it will be necessary to use adjoining land within the appellant's ownership to achieve the required amount of BNG. Despite some minor inconsistencies between the baseline values, the process within the S106 could resolve this aspect.
40. As such, the scheme can secure satisfactory levels of BNG in accordance with policy E2 of the GNDP and policies DM2 and DM12 of the Core Strategy.

Drainage

41. Policy DM14 of the Core Strategy requires proposals to demonstrate that overall flood risk would be reduced, water quality protected and to avoid increasing run-off post development. Preamble paragraph 7.246 of the policy also sets out that evidence of existing surface conditions across the site and details of how infiltration rates will be maintained or improved should be provided. It also sets out that a check of the site should be made against the indicative Sustainable Urban Drainage Strategy assessment in the Strategic Flood Risk Assessment Site Database and Settlement Appendices.
42. Though the appeal has been submitted with a Drainage Statement, its content is relatively basic and it is not supported by details of existing surface conditions or how infiltration rates will be maintained beyond an indicative drainage strategy that may include an attenuation tank with outfall to the nearby watercourse or balancing pond. The indicative drainage strategy does not meaningfully help to demonstrate that run-off post development would not be increased.
43. Given the limited details in relation to such, the adequacy of the drainage strategy is far from clear and this brings the scheme into conflict with Core Strategy DM14. The mitigating factors which temper the weight to attach to this conflict is that the site does not appear to be at risk of flooding or surface water flooding, is well located for an existing watercourse and there is plentiful space within the adjoining land owned by the appellant within which to implement an appropriately designed drainage scheme required by way of planning condition.

Planning Obligation

44. The S106 agreement made between the appellants and the Council provides for:
- An affordable housing contribution;

- BNG measures, to include the approval of a BNG Plan, habitat creation and enhancement works and associated management and monitoring measures;
 - Bus stop enhancements to include a paved waiting area with shelter, signage and kerb arrangement;
 - Requisite contributions based on dwelling size towards the Bird Aware Solent Recreation Mitigation Strategy;
 - Management of open space areas outside of the privately owned curtilages;
 - The provision of a pedestrian path within the development;
 - A financial contribution towards enhancement of footpath CS14; and
 - Provision of sustainable urban drainage measures (SUDS).
45. Regulation 122 of the Community Infrastructure Levy Regulations (2010) (CIL Regulations), as amended, and the Framework (paragraph 58) set out that planning obligations must only be sought where they meet the relevant tests, including where they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the same. The Council has outlined the necessity for the various components of the S106 and the methods of calculation for the various financial contributions and the related links to policies of the development plan.
46. All of the aspects within the S106 are either required by policies of the development plan or attract weight as part of the beneficial aspects of the scheme. As such, I am satisfied based on the agreement between the main parties and the wording of the S106 that all of the obligations are necessary, directly related, and fairly and reasonably related in scale and kind to the development and can be taken into consideration.

Planning Balance

47. As the Council is currently unable to demonstrate a five year housing land supply with relevant buffer, the provisions of paragraph 11 d) of the Framework are engaged. These require that in such circumstances, permission should be granted unless:
- i. the application of Framework policies that protect areas or assets of particular importance provide a strong reason for refusing the development proposed; or
 - ii. any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes.
48. Taking the harms first. The appeal scheme does not conflict with the policies specifically guiding the location of new housing development due to its location adjoining the settlement boundary within the MVKRA. However, these policies indirectly conflict with policies which require promotion of sustainable modes of travel, as despite its relationship to the settlement boundary, the appeal site location would still be peripheral and result in a degree of car dependency. As such, the weight to attribute to the sustainability conflicts is tempered by the close proximity of the established settlement boundary, relatively short travel distances

to facilities at least by vehicle and the offered improvement to the bus stop and pedestrian facilities within the site's frontage.

49. In terms of the highway safety effects that would result from the increased pedestrian footfall along Pallance Road, the Framework indicates that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety. Whilst there would be a compromise through the inability to segregate pedestrians and cars to the north beyond the appeal site, this is a situation that exists already. It is not suggested that accidents or near misses are commonplace and nor would I wish for any to result as a consequence of granting permission. However, I do not consider that the effects from the proposal would meet the Framework's threshold of an unacceptable impact on highway safety. It is a shortcoming of the scheme which reduces its overall benefit and which would be more likely to encourage residents to use their vehicles instead of more sustainable modes of travel.
50. Despite the retention of landscape features and the proposed landscaping scheme, the scheme would also result in harm to the character and appearance of the area as would be typical of any development of houses on a greenfield site. In this case, the harms would be relatively localised.
51. The mismatch between the offered housing size mix and the identified local needs, and the suppression of the size of the scheme to deliver only open market tenures raises conflict with the development plan. However, in the context of an overall shortfall of housing below the minimum requirement for a five year housing land supply to be demonstrated, this is a conflict that attracts reduced weight.
52. I have also considered that there is conflict with the policy that requires evidence of a workable drainage solution, albeit that it appears one could be identified by way of planning conditions.
53. None of the above issues are in themselves matters that provide a strong reason for refusal under the terms of Framework paragraph 11d) i). The effects on the SPA would be adequately addressed by way of the S106 agreement, and thus, this does not form a strong reason for refusal either.
54. The benefits of the scheme would include the delivery of 14 dwellings within the MVKRA area in the context of an undersupply of housing and the financial contribution that would be made towards affordable housing. These benefits attract significant weight in favour of the scheme.
55. There would also be benefits from the provision of the bus stop improvements and footway along the site frontage, footpath enhancements, provision of BNG and wider ecological enhancement measures. Whilst I only attribute limited weight to any economic boost from the construction phase, the other benefits outlined above attract modest weight when taken collectively.
56. Therefore, my view is that the identified harms do not significantly and demonstrably outweigh the benefits outlined above. Conversely, the benefits materially outweigh the identified harms. Even if the scheme is taken as in conflict with the development plan when taken as a whole, in this case, the provisions of Framework paragraph 11 d) indicate that a decision should be made other than in strict accordance with it.

Other Matters

57. I have taken into account the views of those in objection to the scheme, principally for reasons of highway and pedestrian safety which I have addressed above. I have also noted the concerns in connection with the creation of an undesirable precedent if the appeal were allowed. As each proposal is determined on its own merits, I do not agree that this would be the case.
58. The appellant has referred to the Draft Island Planning Strategy which is in the process of undergoing modifications to progress through examination. Neither party has sought to attach weight to any specific policies of this emerging plan and I have not found reason to conclude otherwise.

Planning Conditions

59. Planning conditions are needed to secure the submission of the reserved matters applications within specified timeframes and to require commencement of the development. In the interests of clarity, it is also necessary to list the approved plans in relation to the site location, scale and layout.
60. To protect the quality of the environment and avoid an increased risk of flooding, it is necessary to secure details of the foul and surface water drainage scheme.
61. To protect the character and appearance of the area, a condition is needed to secure details of tree protection measures during the construction phase. For similar reasons, conditions are needed to secure details of external materials to be used throughout the scheme and a scheme of landscaping (including both hard and soft landscaping measures). In order to avoid disruption and harms during the construction phase, a construction environmental management plan (CEMP) condition is necessary.
62. A condition is necessary to ensure that the scheme delivers the necessary ecological enhancements, although BNG is to be secured through the S106. It is also necessary to specify the window within which vegetation clearance is permitted to be undertaken and to secure details of any external lighting to be installed at the site by way of condition in the interests of biodiversity protection.
63. In the interests of highway safety, conditions are needed in respect of the provision of the access, pedestrian access and visibility splays have been provided.
64. The Council has suggested a condition in respect of the removal of permitted development rights for extensions and boundary treatments forward of the principal elevations of the dwellings and to the side of the westernmost dwelling. Under the General Permitted Development Order (GPDO), extensions are not permitted forward of the principal elevations so this aspect of the condition is unnecessary. As the intent to maintain open frontages is clear and the GPDO restrictions would not otherwise prevent the construction of fences, I have maintained that particular part of the suggested condition.

Conclusion

65. For the foregoing reasons, the appeal is allowed.

H Nicholls

INSPECTOR

SCHEDULE OF CONDITIONS

1. Details of the design and external appearance of the buildings and the landscaping of the site, "the reserved matters", shall be submitted to and approved in writing by the local planning authority before any development takes place. The development shall be carried out in accordance with the approved details.
2. Application/s for the approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun before the expiration of two years from the date of the approval of the last of the reserved matters to be approved.
4. Insofar as the details relate to the access, scale of the buildings and layout of the development, the development hereby permitted shall be carried out in accordance with the following approved plans:
 - 1548/04 Site Layout and Block Plan
 - 1548/05 Location Plan Street Scene/Sections & Altered Vehicular Access
 - 1548/06 Typical Floor Plans
5. No development shall take place until a scheme for the drainage and disposal of surface and foul water from the development hereby permitted, has been submitted to and approved in writing by the local planning authority.

Foul drainage shall be connected to the public sewer and shall be served by the Southern Water Wastewater Treatment Works (WWTW) at Sandown. The development shall be carried out in accordance with the approved scheme, which shall be completed prior to the first occupation of the dwellings hereby permitted and shall be retained thereafter.
6. No development shall take place until an Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the local planning authority. This shall include details of tree protection fencing, which is to be installed for the duration of construction works. The development shall be carried out in strict accordance with the approved AMS.
7. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of:
 - Steps to prevent material being deposited on the highway as a result of any operations on the site in connection with the approved development, including the installation and use of wheel cleaning facilities for vehicles connected to the construction of the development;
 - The parking, loading, unloading, circulation and turning of all construction vehicles, including operative vehicles within the confines of the site throughout the build process;

- Measures to mitigate potential impacts on nearby residential properties during construction, including noise and dust controls, and working hours and hours of deliveries; and
- Measure to protect species/wildlife and habitats during construction.

The approved CEMP shall be implemented and adhered to for the duration of the construction phase, and the agreed facilities shall be installed prior to the commencement of development and shall be thereafter retained in accordance with the approved details for the duration of the construction phase of the development. Any deposit of material from the site on the highway shall be removed as soon as practicable by the site operator.

8. No development shall take place until details of biodiversity and ecological mitigation and enhancements have been submitted to and approved in writing by the local planning authority. The submitted details shall accord with the recommendations set out in section 4 of the Preliminary Ecological Appraisal (Woodside Tree Consultancy, 13 September 2024) and the Ground Level Tree Assessment (Ecosupport, 4 June 2024) and shall include the following:
 - Details of existing boundary vegetation to be retained;
 - Details of landscaping, including new planting and boundary treatments;
 - Details of bird boxes and bat tubes to be installed;
 - A timetable for landscaping works and bird box/bat tube installation.
10. Site/vegetation clearance shall not be undertaken during the period 01 March to 31 August (inclusive) unless supervised by a suitably qualified and licenced ecologist.
11. Notwithstanding the approved plans, no development shall begin until full details of the design, surfacing and construction of the proposed junction with Pallance Road and the new street (including the turning head), together with the means of disposal of surface water drainage there from, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
12. The development shall not be occupied until visibility splays have been provided in accordance with the details shown on plan TS12001-HW-1001. Nothing that may cause an obstruction to visibility when taken at a height of between 1.05m and 2.0m above the proposed access at the X point to a height of between 0.6m and 2.0m above the carriageway at the Y points shall at any time be placed or be permitted to remain within that visibility splay.
13. No dwelling hereby permitted shall be occupied until its means of vehicle and pedestrian access from the public highway, and on-site parking and turning space, have been provided in accordance with the approved plans/details.
14. No dwelling shall be constructed above foundation level until details of the materials to be used in the construction of the external surfaces of that dwelling have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
15. Prior to occupation of the dwellings hereby permitted a scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning

authority. The submitted scheme shall include details of finished levels or contours, hard surfacing materials, means of enclosure and boundary treatments, existing planting to be retained, new planting (to include location, number/density, size and species of plants), and an implementation plan and timetable. The landscaping works shall be carried out and completed in accordance with the approved scheme and timetable.

16. Prior to occupation of the dwellings hereby permitted and the installation of any external lighting within the site, an external lighting scheme for the development, aligning with the recommendations within the Ground Level Tree Assessment (Ecosupport, 4 June 2024), and an implementation timetable, shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall include details of the position, size, height, orientation and appearance of any lighting units, as well as light level and temperature. The external lighting shall be installed in accordance with the approved scheme and timetable.
17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development within Class A of Part 2 of Schedule 2 of that Order shall be carried out forward of the principal (front) walls of the dwellings hereby permitted and the west facing side wall of the dwellinghouse on Plot 1 (other than that expressly authorised by this permission).

ENDS ----

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