



The Planning Inspectorate

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Christopher Frederick Knock
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Your Ref:

Our Ref: APP/W1850/W/19/3235107

Date: 6 December 2019

By email only

Dear Mr Knock

Local Government Act 1972-Section 250 (5)

Town and Country Planning Act 1990

Appeal by Dr W Green

Site Address: Land Adjacent to the link, Church Road, Weston Under Penyard, Ross, Herefordshire, HR9 7QA

YOUR LATE APPLICATION FOR COSTS

This letter informs you of the decision on your request to have a late costs application accepted for consideration by the Secretary of State. The application is made against the LPA, Herefordshire District Council.

Procedural matters

Published guidance on the timing of costs applications in planning appeals is contained in Planning Practice Guidance (PPG). Paragraph 035 of Section 16 is particularly relevant as it explains that, under the written procedure adopted to determine the appeal, an application for costs will be treated as late if it is received after the Inspectorate's deadline for final comments. In this case the deadline for final comments was 15 October 2019. However, your application for costs was not received until 18 November 2019.

Your case

You say that you had prepared the costs application on 19 August 2019 and was under the impression it had been sent. During this period you were distracted by stressful family issues which meant that you were not aware that the application had not been made until 18 November 2019.

Conclusion

Although your costs application is dated 19 August 2019 it was only received by the Inspectorate with your 18 November 2019 email. I am sorry if you were preoccupied with stressful family issues but the responsibility for applying for costs at the right time rests with the costs applicant and in this case the onus was on you to ensure that a costs application was made by no later than the final comments stage.

Although the Secretary of State has a discretionary power to accept a late costs application he will only do so if good reason can be shown for not applying on time. In exercising that discretion he needs to be fair, and be seen to be fair, to both principal parties according to the principles set out in the costs guidance. Forgetting to make a timely costs application is not a good reason for accepting your application for consideration. I know that you will be disappointed with this decision but no further action will be taken on the application.

A copy of this decision has been sent to Herefordshire District Council.

Yours sincerely

Richard Holland

Authorised by the Secretary of State to sign in that behalf