



Application for an award of appeal costs

You can use this form as a template if you wish to apply for costs in:-

- a written appeal
- an appeal going to a hearing or inquiry, but you wish to give advance notice of an application for costs
- an appeal which is withdrawn (or where the enforcement notice is withdrawn).

Notes to help you are in part D

A. Information about the claimant

Full name: **Mr John Mills**

Address: **Lower Wootton Farm**
Almeley, Herefordshire

Postcode: **HR3 6PX** Your reference: **kKI 5184**

Daytime telephone No: Fax no:

Email address:

Status (Appellant/Local Planning Authority/Interested Party):

Appellant

Agent's Name (if applicable): **McCartneys LLP**

Agent's Address: **54 High Street**
Kington, Herefordshire,

Postcode: **HR5 3BJ** Reference: **KI 5184**

Daytime telephone No: **01544230316** Fax no:

Email address: **geraint.jones@mccartneys.co.uk**

Date Received (Official use)

B. Information about the party being claimed against

Full name: **Herefordshire Council**

Address: **Council Offices, Plough Lane, Hereford**

Postcode: **HR4 0LE**

Status (Appellant/Local Planning Authority/Interested Party):

Local Planning Authority

C. Information about the appeal

Planning Inspectorate appeal reference number APP/.....

(Please quote all appeal reference numbers if the costs application relates to more than one appeal)

Name of Local Planning Authority: **Herefordshire Council**

Description of the development: **Proposed residential development of 5 dwellings, including the formation of two vehicular accesses, provision of two orchard strips**

foul drainage treatment plant and other associated works '

Address of the site: **Land at Woonton, Nr Almeley**

Herefordshire, Grid Reference - SO 35144 52104

D. Notes for guidance on your costs application – please read before going ahead

Appellants, local planning authorities and anyone else involved with the appeal (the parties) are normally expected to cover their own expenses. But anyone involved in the appeal can ask the Secretary of State or appointed Inspector to order that one party pays some or all of another party's costs. Before agreeing to this, we will have to be sure that:

- the person applying was put to unnecessary or wasted expense in the appeal
- because of the unreasonable behaviour of the other party.

An award can only be made if both these tests are met.

Please write (in section E) how you think the other party has acted unreasonably and what expense this has caused you. **Please note that only the unnecessary or wasted costs of the appeal itself can be recovered by an award.**

Before going ahead with an application, your attention is drawn to The National Planning Practice Guidance web-based resource, which contains advice on the award of costs, in the Appeals section.

While there is no formal procedure or application form for making an application for costs you can use the template (below) to make an application for costs in writing.

The decision on your application will not go into the actual amount of costs involved – only the principle and, if an award is made, what the award is broadly for. So there is no need to state the actual amounts you are seeking. If an award is made, the parties will need to settle the amounts involved between them by negotiation; or, if that fails, by applying to the Senior Courts Costs Office for an independent decision on the matter.

When using the costs application form, to give advance notice of a costs application in a hearing or inquiry case, please send a copy of your completed application to the other party.

Please also note there are time limits for making a costs Application depending on the procedure for deciding the appeal. The Award of Costs Guidance provides relevant information.

E. Your costs application

Please state whether you are applying for a full or partial award of costs and what you think is:

- the unreasonable behaviour which has caused you unnecessary or wasted expense in the appeal

Please refer to the main planning appeal statement of case for full details, however in brief.

Original planning application was approved at planning committee, however the advice given to committee members by either the legal advisor or the planning officer was incorrect which resulted in an interested party taking the application to judicial review and getting the original decision squashed.

Following this we were advised incorrectly by the planning officer to submit a new resubmission, which although registered and received was not the correct process. The correct process was to take the original quashed application back to committee, however due to the extensive wasted time that Herefordshire Planning department took, the neighborhood plan of the village advanced to referendum stage and was adopted.

The planning department took over 6 months from the quashed decision to try and take it back to committee when it should have gone on the first available one. This resulted in the refusal taken under delegated powers rather than letting the committee members make a decision based on the same planning situation as the original approval (as the neighborhood plan was still within the same phase)

We feel that this appeal would not have been necessary which has caused wasted expense to our client due to the unreasonable behaviour by the planning department

- your unnecessary or wasted expense in the appeal (not the amount, but the kind of expense)

The appeal process has taken a great deal of energy and time away from my client due to the delays inputted by Herefordshire Council.

This has included a great deal of research into our options and wasted expense for the legal side initially into looking into the judicial review and costs for the planning appeal itself. This has included the likes of Solicitors and Chartered Building Surveyors

Please sign below

I understand that:

(a) use of this form is voluntary, and that the Planning Inspectorate may use the information I have given for official purposes in connection with the processing of my application for an award of costs;

(b) the costs decision resulting from processing my application will be published on the Planning Portal and will include relevant names but not addresses.

By signing this form I am agreeing to the above use of the information I have provided.

I have completed all sections of the form and confirm that details are correct to the best of my knowledge. (Please note: signature is not necessary for electronic submissions)

Signature 

On behalf of **Mr John Mills**

Name (in capitals) *Mr G O Jones, McCarneys*

Date **20/02/2020**

The gathering and subsequent processing of the personal data you give on this form accords with the terms of the Planning Inspectorate's registration under the Data Protection Act 1998. More about the Planning Inspectorate's handling of personal information can be found in our "Personal Information Charter":

<https://www.gov.uk/government/organisations/planning-inspectorate/about/personal-information-charter>

Please note exceptions below but otherwise send this form and any supporting documents to:

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

For the attention of your appeal case officer

Or e-mail it to the email address as shown on the letter(s) you have received from your appeal case officer.

Exceptions - please note:

(1) Householder Appeals Service (HAS) & Commercial Appeals Service (CAS)

Please ensure your costs application – if you wish to make one – is with your appeal form when submitting a HAS or CAS appeal. If you are submitting your costs application via the Planning Casework Service on the Planning Portal please attach it to the grounds of appeal as a separate document

If using the postal service please send your completed HAS/CAS appeal form along with your costs application to the address quoted on the appeal form.

(2) Tree Preservation Order (TPO) appeals

In the case of a written TPO appeal any application for costs should normally be made at the same time as the appeal. E-mail to: environment.appeals@pins.gsi.gov.uk or send the form to:

The Planning Inspectorate
For the attention of the Environment Team
Room 3/25
Hawk Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN