



The Planning Inspectorate

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Mr Phil Cobbold
Phil Cobbold Planning Consultancy
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Your Ref:

Our Ref: APP/W3520/W/19/3225219

Date: 2 July 2019

By email only

Dear Mr Cobbold

Local Government Act 1972 - Section 250(5)

Town and Country Planning Act 1990

Appeal by Mr Robert Honeywood

**Site Address: Land North of Poplar Farm Lane, Great Green, Thurston,
Suffolk, IP31 3SL**

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, Mid Suffolk 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 29 May 2019. However, your application for costs was not made until 20 June 2019.

Your case

You acknowledge that the application has been made after the final comments stage but it arises because of the LPA's decision of 20 June 2019 to grant planning permission for the erection of 2 dwellings on land next to the appeal site. You feel that in granting planning permission for this application the LPA is not determining similar cases (such as the appeal proposal) consistently and therefore behaved unreasonably in relation to the appeal.

Conclusion

As a planning consultant you would (or should) have known about the deadline for making a costs application as set out in the guidance. Furthermore, an application must relate to an appeal and not to some unrelated matter such as the LPA's decision to grant planning permission for development on land next to the appeal site. You have not satisfactorily explained why, if you thought the LPA's actions in relation to the appeal were unreasonable, you did not apply for costs by the 29 May 2019 deadline.

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. I have therefore decided that there is no good reason for accepting your application for consideration. I know that you and your client 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 Mid Suffolk District Council.

Yours sincerely

Richard Holland

Authorised by the Secretary of State to sign in that behalf