



The Planning Inspectorate

Costs and Decisions Team
3B Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Line: 030 344 45601
Customer Services: 030 344 45000
e-mail: sarah.williams@pins.gsi.gov.uk

Mr Robin Harper
Harper Planning Consultants
The Boathouse Design Studio
27 Ferry Road
Teddington
Middlesex
TW11 9NN

Your Ref:

Our Ref: APP/K3605/D/19/3243269

Date: 2 April 2020

By email only

Dear Mr Harper

Local Government Act 1972 - Section 250(5)
Town and Country Planning Act 1990
Appeal by Mr Richard Mateu
Site Address: 30 Broadfields, East Molesey, KT8 0BW

YOUR LATE APPLICATION FOR COSTS

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

Procedural matters

Published guidance on the timing of costs applications is in the Government's Planning Practice Guidance (PPG). Paragraph 035 of Section 16 is particularly relevant as it explains that in HAS appeals an application for an award of costs made by the appellant must be made when the appeal is submitted. In this case the appeal was made on 16 December 2019 but as your costs application was made on 11 March 2020 it is being treated as late.

Your case

You say that the costs application did not load onto the appeal portal and that this is something you would normally have checked. However, you lodged the appeal on 16 December 2019 which was a time of personal bereavement and emotional stress for you and your family as your mother-in-law died on 29 November 2019 and you were supporting your wife in making funeral arrangements. The funeral took place on 20 December 2019. You are a sole practitioner and you were not able to delay lodging the appeal because of the time constraints for submission and commitment to your client.

Conclusion

I am sorry to hear of your bereavement. However, although you say that the costs application did not upload with the appeal it is clear from what you said on the appeal form that no costs application was being made. I appreciate that you were preoccupied with funeral arrangements and that you work alone 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, if you intended to make a costs application, you did so at the time of the appeal.

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 Elmbridge Borough Council.

Yours sincerely

Richard Holland

Authorised by the Secretary of State to sign in that behalf