Planning Inspectorate

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Your Ref:

Our Ref: APP/Z3825/C/24/3345651[1]

Date: 14 April 2025

BY EMAIL ONLY

Dear Mr Rowe

Local Government Act 1972 - Section 250(5)
Town and Country Planning Act 1990
Appeal by Ms Sandra Stockridge
Site Address: Prestwood Corner, Prestwood Lane, Ifield, Crawley, West Sussex, RH11 0LA

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 Local Planning Authority (LPA), Horsham District Council.

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 Inspector's deadline for final comments. In this case the deadline for final comments was 23 December 2024. However, your application for costs was not made until 25 February 2025.

As a professional planning agent, you will be familiar with the costs procedure in planning appeals. Nevertheless, the Planning Inspectorate's 15 October 2024 letter drew your attention to the PPG costs guidance and urged you to read it as it contains important information about the costs procedure, including the deadlines for making an application.

In your appeal statement you say that "*The appellant reserves the right to argue that the EN is a nullity or invalid and to apply for costs*"; you evidently considered that the

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notice was fatally flawed. However, although this statement indicated an intention to apply for costs, it did not constitute a valid cost application.

The responsibility for applying for costs at the right time rests with the costs applicant and the onus was on you to ensure that, if you believed that the LPA had behaved unreasonably in serving a notice that you felt was a nullity or was invalid, you should have submitted a valid application by 23 December 2024. You took a risk regarding the admissibility of the application by delaying its submission until the appeal was decided.

Although the Secretary of State has a discretionary power to accept a late costs application she will only do so if good reason can be shown for not applying on time. In exercising that discretion, she needs to be fair, and be seen to be fair, to all parties according to the principles set out in the costs guidance. I have carefully considered the reasons for your late application however they are not considered to be sufficient to warrant its acceptance. I know that you will be disappointed with this decision but no further action will be taken on your application.

A copy of this decision has been sent to the LPA.

Yours sincerely

Georgia Blake

Authorised by the Secretary of State to sign in that behalf