

Our Ref SGB/AB

The Planning Inspectorate  
Costs and Decisions Team  
3/24 Hawk Wing  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

15<sup>th</sup> September 2014

Dear Sir

**Re: APP/H0738/A/14/2221934**  
**Local Government Act 1972 - Section 250(5)**  
**Town and Country Planning Act 1990 – Sections 78 and 322**  
**Appeal by Mr. Frank Andrew**  
**Site at Land off Poplars Lane, Carlton Village, Stockton on Tees**  
**Late application for Costs**

Thank you for your letter of 12<sup>th</sup> September 2014 regarding the late application for costs submitted in relation to the above matter. If you review the application for costs submitted, in the first instance it will be appreciated that the appellant's application was "late" by 24 hours and this was noted in our application.

In very simple terms, the appellants were not made aware of an important material consideration – namely the Local Planning Authority deciding to approve an application for residential development close to the appeal site until Friday 29<sup>th</sup> August. At no point have the Local Planning Authority formally advised either the appellants or the Planning Inspectorate of this important material consideration. This is despite the decision seemingly being made within the Council substantively before the 29<sup>th</sup>. No doubt the Local Planning Authority will provide a timeline in due course and an explanation of why no parties were informed of this matter.

The appellants took the view that there were substantive and procedural reasons for this conduct being unreasonable. These are detailed in the costs application.

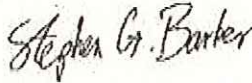
The appellants were made aware of the outline of the situation after close of business on the 29<sup>th</sup> August by a concerned local resident. Basic enquiries were made on 29<sup>th</sup> to enable a formal response on the planning merits of the case to the Planning Inspector. The costs application should have followed by the following working day, i.e. 1<sup>st</sup> September. Unfortunately on 1<sup>st</sup> September, the appellant's agent was involved in a car accident and this delayed the necessary research into the Council's actions and as a result the formal costs application could only be submitted on the 2<sup>nd</sup>.

To submit a full costs application within 48 hours of being made aware of the situation is the best timescale the appellants could achieve under the circumstances. It is argued that this is entirely reasonable in relation to the diligence required for a costs application and that the problem rests with

the Planning Authority not advising either the appellants or the Planning Inspectorate of an important material consideration that they must have known was relevant to the determination of the appeal.

To fail to inform any parties was manifestly unreasonable in itself. The Inspector is therefore respectfully requested to entertain a late application for costs being just 24 hours outside of the recommended timeline and made as speedily as the appellant's agent could with no unnecessary delays that could have been avoided.

Yours faithfully



**Steve Barker BSc (Hons) MRTPI DMS**  
Managing Director  
Prism Planning