



Costs Decision

Site visit made on 3 January 2023

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 09 January 2023

**Costs application in relation to Appeal Ref: APP/Y3940/C/22/3296526
Land at The Log House, 286 Turleigh Hill, Winsley, Bradford-on-Avon,
Wiltshire, BA15 2LR**

- The application is made under the Town and Country Planning Act 1990, sections 174, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Wiltshire Council for a full award of costs against Mr Neil Shaylor.
 - The site visit was in connection with an appeal against an enforcement notice alleging the erection of a raised platform structure.
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Decisions

1. The application for a full award of costs is granted.

The case made by the Council

2. Essentially the Council argue the appellant has failed to provide any evidence or arguments in support of any of his grounds of appeal and so the whole process has been a waste of time.

The response by the Appellant

3. The appellant responds that he does not understand what the problem with the platform is. He has tried asking for help from the Council but has been ignored or abused.

Reasons

4. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
5. As the appellant has said, he does not understand the planning process and I have some sympathy with him. Planning can be less than straightforward and enforcement is the most complex part of the process. In this case there were arguments about permitted development, about the green belt and impact on the conservation area. All these are technical in nature and generally not understood by the layperson. That is why people on the wrong end of an enforcement notice usually seek professional advice. In this case the appellant relied on the Council to help him out.
6. The Council are not obliged to help out an appellant, but I have read through the email trail and it does seem they tried to explain what was going on. The appellant, however, has simply refused to engage in any meaningful way with

the appeal. No-one is obliged to pay for professional help, but if one does not understand what is going on, and the process could end up in a criminal prosecution, then it seems extraordinary not to do so. It would have been clear to anyone with knowledge of the planning system that the ground (a) appeal was bound to fail because of the green belt issue. It was thus unreasonable to pursue this ground. No arguments were provided for ground (f) and the only argument for ground (c) was that the appellant didn't think it needed planning permission. I considered the Class E issue only for the sake of completeness as the appellant was unrepresented. Only on ground (g) was there an argument that the boundary wall required support. Although no evidence was provided to support what was simply an assertion.

7. I understand this appeal has become something of a crusade for the appellant but that is no excuse for pursuing an appeal that had no chance of success. There are other ways of taking forward a complaint about the Council's processes, an enforcement appeal is not the correct vehicle for doing so. It has simply wasted his, the Council's and my time.

Conclusions

8. Pursuing the appeal was unreasonable as no evidence or relevant arguments were made to support the grounds appealed and there was no chance of a successful outcome. I shall make a full award of costs to the Council.

Costs Order

9. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Mr Neil Shaylor shall pay to Wiltshire Council, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
10. The applicant is now invited to submit to Mr Shaylor, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Simon Hand

Inspector