



## Costs Decision

Site visit made on 5 May 2026

**by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH JP**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 May 2026**

### **Costs application in relation to Appeal Ref: APP/C1435/C/24/3358235 Wyck Stable, Wyck Lane, Woods Green, Wadhurst, East Sussex TN5 6QS**

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mrs Tamsin Samartin for a full award of costs against Wealden District Council.
- The appeal was against an enforcement notice alleging without planning permission, the erection of a brick boundary wall and pillars in excess of 1 metre in height adjacent to the highway ("the Wall"), in the approximate position shown by a green line on the plan attached to the notice.

### **Decision**

1. The application for costs is refused.

### **Reasons**

2. Planning Practice Guidance (PPG) 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.
3. In essence, the applicant's case is that it was unreasonable for the Council to have issued the enforcement notice when it did (28 November 2024). At that time, an appeal had been submitted (on 10 October 2024) against the Council's refusal to grant consent for an alternative scheme for the boundary treatment (WD/2024/1822/FR). A further application (WD/2024/2571/FR), seeking consent for a further alternative scheme, had also (on 7 November 2024) been submitted to the Council. The applicant had requested the Council, in these circumstances, to refrain from taking enforcement action. The Council had not agreed.
4. The applicant erected an unauthorised wall. After consideration and refusal of a scheme of alteration, the Council took enforcement action. There was nothing unreasonable in that, and it is a matter for a Local Planning Authority to decide when such action is expedient. As far as it is relevant, I have seen ample evidence that the Council has spent some time dealing with this matter in a considered manner sympathetic to the applicant's situation and concerns.
5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

*Andrew Walker*

INSPECTOR