

**From:** marks email [REDACTED]

**Sent:** 25 February 2025 08:21

**To:** TeamE5 <TeamE5@planninginspectorate.gov.uk>

**Subject:** Re: Planning Inspectorate APP/C3430/C/24/3350953: Paddock land, ST18 9AJ

Hi Rebecca,

Yet again I find myself in Tenerife trying to defend a case raised by the council knowing I am in Tenerife and only have my phone. So please excuse any grammar or spelling mistakes as I can only see 9 or 10 lines at a time and it's difficult to put a comprehensive letter together on a mobile phone, so sorry if it is not 100%. Also some of the paragraphs are in the wrong order but I am unable to change them round on my phone in outlook, so I'm sorry if it is a long and difficult read. Also could you forward this to the council as I don't have their details of where to send it without access to my laptop, sorry to add to your burden. I am happy to discuss any part of this if you need any clarification.

This is making me ill and I am really struggling after getting the email about scc claiming costs. I have not slept for the past 2 nights with worry and my wife is also extremely worried and upset about costs that might be awarded against us. Could I ask that this decision on the costs is made urgently please to reduce the stress myself and my wife are currently under.

I understand it is extremely unusual for costs to be awarded and should be done so only in exceptional circumstances and am asking for you to please not allow these costs to be awarded as I do not believe the council have demonstrated exceptional circumstances or met either of the, 2 criteria required, let alone both criteria to allow them to claim costs. I don't think they have any credible evidence of no legal basis for the appeal! Or evidence i have wasted their time unreasonably.

I certainly have not intentionally wasted any one's time, i have tried everything to save both time and money by trying to resolve this issue without any enforcement action. I would suggest the council have used a sledgehammer to crack a nut and now want paying for their time.

Please do not allow the council to be awarded costs as we have acted reasonably and have a legal basis for this appeal.

This appeal is based upon the same legal basis that we applied in 2014 and that appeal was successful. Since then nothing has changed, the allotments are fallow but still remain as open space for us to use them whenever we want as the permissions were not time bared. So this is the legal basis of the appeal and from memory I ticked the box to say effectively the enforcement should be dismissed as nothing has changed. The allotment development was approved in 2014 and remains extant. The council have provided no evidence of a change of use from allotment to residential other than

suggesting a fire basket and some poles are the change? Fire baskets and wooden poles are found on and used in most allotments.

It is the council that is suggesting there has been a change of use and we dispute that assumption as there hasn't been any change from allotment to residential use. The allotments are simply fallow at the moment but still able to be used if we want to, there are thousands of allotments all over the UK left fallow for years between use. I can plant vegetables anytime I want because we have the approval.

I have tried to demonstrate that we use the site as a temporary camp site and have done so for over 15 years and therefore may have a residential feel whilst in use. This use was confirmed by Mr Sutton at the time of the 2014 appeal in his objection letter to the appeal, when he stated that we stay at the paddock in our motorhome for several weekends at a time, and that was back in 2013/4 so proves that we have been using the paddock under the 28day rule for over 12 years at least.

All of this enforcement and appeal could have been avoided if the council had sat down and talked this through, but they refused, and acted completely unreasonably and this is a disproportionate response to a simple issue. I have tried to resolve this issue without the need for enforcement or appeal and it was on the advise of the Council that we went down this route.

I asked if the council solicitors could write to Pins to get a decision on the hardstanding and use of the land approved in the appeal to see if it would allow for temporary storage of our caravan when not in use and I would abide by that decision or wait till October when the caravan would be gone.

Emma said she would check but said the easiest route would be for the council to raise an enforcement notice and we could then raise an appeal (And she even said "as it incures no costs for me") and pins would respond.

I did say at the time that it seemed an expensive waste of money to do all that just for clarification on one point. Especially as the caravan was going in October.

At the site visit in April Emma agreed that it was only the caravan at issue as the rest of the site was pretty much inline with the agreed plan. She said if the caravan was removed no enforcement action would be required.

So I thought it would all be sorted in October when the caravan had gone and without any need for enforcement or any other action. So I don't see how the council can claim I have created unnecessary costs by being unreasonable?

The issue became more complex when Emma discussed this issue with her manager some time later, who had never seen or visited the site and the manager said Emma should push for enforcement action if the caravan wasn't removed immediately. I told Emma that I was away until mid September so unable to sell it or move it before then. I

asked if the council issue an instruction that the caravan needs to be moved by the end of October as it was only a few weeks. The council refused.

I would like to point out that the council have had this complaint since 2021 and have mismanaged it so badly that we are now 4 years on and still unable to resolve what I considered to be a non issue.

I think the council have acted unreasonably and disproportionately in pursuing this complaint that could have been dealt with appropriately by a civil meeting of the parties to provide an acceptable outcome for their taxpayers/customers, of which I am one.

I made contact the same day I received the email from Emma regarding a complaint and said I would do everything I could to resolve this quickly and affordable for the public by adopting a proportionate approach. It is the council that has created this situation and raised an enforcement notice when there was no requirement or public interest to do so as we were dealing with the council to resolve the issue and told the council the caravan would be gone by mid October. It is their unreasonable attitude and advise that has lead us to this point and I agree that this is a waste on money and should never have got to this point. I certainly didn't want it to get to this point as it is extremely upsetting and stressfull for myself and my wife.

The council were aware at the site inspection by Emma on 10th April that the caravan would be gone by mid October regardless of any other action, as I was selling it on my return from Tenerife in September. Emma did suggest that if the caravan was removed there would be no enforcement action taken. The council have said that once the appeal was raised that I should not have removed the caravan, yet I told the council it would be gone by the end of October as I was selling it. I had no choice but to raise the appeal as the council slammed me with an enforcement notice in August? They seem to be doing everything to create more issues, if they had waited a few weeks, non of this would have been necessary.

The council has stated that I should have sought legal advise, yet they are aware that due to them delaying the enforcement notice until August that I was in Tenerife, so how did they think I was going to be able to get legal advise or help in Tenerife and without phone access as i only have internet at the house and dont use my data as i am charged. I wasnt aware they were going to issue an enforcement notice until Emma emailed me to check on my address in August and cynically they set the effective date at the 9th September in full knowledge I didn't return home till the 11th. So I was forced to complete an appeal on my phone in Tenerife. I did ask if they could delay issuing it until I was home but they refused and said they were going to issue the enforcement notice even though I was out of the country.

Sorry this para is should be above.

A few days after the site visit Emma said the council needed the Caravan gone before October, I suggested that this action was unreasonable given the council have had the complaint for over 2 years. Emma said that if it was not removed immediately then

enforcement action would go ahead. I tried to get the council to be reasonable to no avail, i said i was away in Tenerife in May and again in June to September.

Emma said move it now or enforcement action. I said that I was unable to move it now and if they could simply wait till October it would be gone and I would agree to comply to that. Unfortunately the council said no, so I said I had no choice.

So there is no change at the paddock and no change proven, the council have wasted money trying to change the decision made by the Planning Inspectorate in 2014 and I believe this is what this is about, overturning your pins approval, so I do not believe there is any grounds to allow the council to apply for costs as they have created and exacerbated the cost of this case by pursuing a case that did not exist and these costs should be dismissed as should the enforcement notice.

Regards

Mark Gripton