# Retired couple faces £200,000 legal bill after losing boundary dispute



A court ruling has left a retired couple, Samuel and Kathleen Horton, potentially facing a legal bill exceeding £200,000 after they lost their third consecutive appeal regarding a boundary dispute with their neighbours, Jonathan and Carolyn Orchard. The case revolves around a retaining wall built by the Hortons, which local planners determined was constructed 16 inches, or approximately 40 centimetres, too close to the Orchards’ garden in Downham, near Billericay, Essex.

The Hortons originally sold their previous three-bedroom home for £815,000 in 2020, having converted their detached garage into a smaller two-bedroom residence for themselves. However, they encountered complications after building work led to disputes over the boundary between their newly constructed home and the Orchards' property, where the Orchards have resided since 1999.

The situation escalated when the Chelmsford County Council planners informed the Hortons about the proximity of their retaining wall to the boundary, prompting them to seek a surveyor's report. The Hortons contended that the garden fence marking the boundary was incorrectly placed. This disagreement over land claims ultimately resulted in a series of court proceedings, starting at the Chelmsford County Court and subsequently proceeding to the High Court.

Each of the Hortons’ appeals has been dismissed, leading to the couple incurring significant legal expenses. The initial ruling by Judge Robert Duddridge in July 2023 confirmed that the true boundary lies west of the line claimed by the Hortons. Alongside the court costs estimated at £145,000, they were also ordered to pay £35,000 in damages for trespass.

Mr Justice Miles, presiding over the latest appeal, stated, "They must face up to the fact that the boundary is where the judge has ordered. There must be an end to litigation." His remarks came as he dismissed the latest application, which the Hortons' barrister, Dr Sandy Joseph, suggested was based on new evidence, including a 1958 title document purported to indicate a different boundary line. However, Mr Justice Miles considered that the grounds for the appeal lacked merit as it was essentially an attempt to revisit the earlier rulings.

In the hearings, the Orchards' legal representative, Carl Brewin, articulated that the Hortons' predicament was a consequence of their continual contestation of the decisions made by the court. Mr Justice Miles mentioned that while the financial burden could be considerable for the couple living on state pensions, the inability to pay does not negate the court's order regarding costs.

The Hortons have been urged multiple times by the court to accept the ruling and cease any further legal challenges. Despite the overwhelming cost implications, the couple has not yet indicated their willingness to concede the dispute regarding the property boundary defined by several court rulings. The ongoing legal battle exemplifies the complexities and financial ramifications that can arise from neighbourly disputes over property boundaries.

Source: [Noah Wire Services](https://www.noahwire.com)

## References

* <https://www.independent.co.uk/news/uk/home-news/essex-home-garden-court-horton-b2704152.html> - This article corroborates the details of the boundary dispute between Samuel and Kathleen Horton and their neighbours, Jonathan and Carolyn Orchard, including the court rulings and financial implications.
* <https://www.independent.co.uk/news/uk/home-news/essex-home-garden-court-horton-b2704152.html> - It further explains the legal process and the Hortons' repeated appeals, highlighting the significant costs they face due to their continued litigation.
* <https://www.independent.co.uk/news/uk/home-news/essex-home-garden-court-horton-b2704152.html> - The article also provides insight into the court's stance, as expressed by Mr Justice Miles, emphasizing the need for the Hortons to accept the boundary ruling.
* <https://www.independent.co.uk/news/uk/home-news/essex-home-garden-court-horton-b2704152.html> - It details the legal arguments presented by both sides, including the Hortons' claim of new evidence and the Orchards' assertion that the Hortons' actions led to their financial predicament.
* <https://www.independent.co.uk/news/uk/home-news/essex-home-garden-court-horton-b2704152.html> - The article highlights the financial burden on the Hortons, who are living on state pensions, and the court's stance that inability to pay does not negate the costs order.
* <https://www.independent.co.uk/news/uk/home-news/essex-home-garden-court-horton-b2704152.html> - It concludes by emphasizing the complexity and financial impact of neighbourly disputes over property boundaries, as exemplified by the Hortons' case.