



Appeal Decision

Site visit made on 26 September 2023

by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA

an Inspector appointed by the Secretary of State

Decision date: 18 October 2023

Appeal Ref: APP/G2245/C/22/3297267

Land known as Land North of Hunters Retreat, Shoreham Lane, Halstead, Kent, TN14 7BY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by KNOCKHOLT PROPERTIES LTD against an enforcement notice issued by Sevenoaks District Council.
- The notice was issued on 24 March 2022.
- The breach of planning control as alleged in the notice is without planning permission, change of use of the land to storage of containers, roll on/roll off skips, a porta cabin, machinery, tyres, waste material and other miscellaneous items.
- The requirements of the notice are 1. To cease the use of the land for storage purposes 2. Remove all containers, roll on/roll off skips, a porta cabin, machinery, tyres, waste material and other miscellaneous items from the land 3. Remove any resultant material from the land and 4. Return the land to vacant grassland.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2)(d), (e) of the Town and Country Planning Act 1990 as amended and there is no ground (a) or deemed planning application.

Decision

1. The appeal is dismissed and the enforcement notice upheld.

Reasons

Ground (e)

2. The appellants suggest that the notice was not served correctly on all with an interest in the land. The Council looked at Land Registry details for the land in question. It is acknowledged that Kent County Council control some land at the front, but comparing plans, it is evident that this land is not included in the notice. I consider that the Council has taken reasonable steps to identify those with an interest in the land and that proper notification has occurred. The appeal on ground (e) fails.

Ground (d)

3. For LDC certificates and enforcement notice ground (d) appeals the applicant's own evidence does not need to be corroborated by independent evidence in order to be accepted. If there is no evidence to contradict it or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application/appeal, provided the applicant's evidence is precise and unambiguous to justify the grant of a certificate on the balance of probability.
4. The appeal form notes the appellant will be submitting a further LDC application claiming a certificate should be issued under ground (d). There will

be six sworn statements and better and detailed evidence to support the submission. However, that is not precise and unambiguous evidence for this appeal. The matter of the use of the land was considered in a previous LDC appeal and this found the Council's decision was well founded at that time. I do not consider that in this case the applicant's evidence is precise and unambiguous to justify the grant of a certificate on the balance of probability. The appeal on ground (d) fails.

Graham Dudley

INSPECTOR