



Appeal Decision

by Mr James Blackwell LLB (Hons) PGDip, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 4 August 2025

Appeal Ref: APP/U2235/X/25/3363633

Rosewood Farm, Scragged Oak Road, Detling, Kent ME14 3HL

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Towns and Country Planning Partnership Ltd against the decision of Maidstone Borough Council.
 - The application ref 24/505281/LAWPRO, dated 18 December 2024, was refused by notice dated 27 February 2025.
 - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 (as amended).
 - The use for which a certificate of lawful use or development is sought is the siting of a caravan for use ancillary to the lawful agricultural use of the site.
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Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed use which is found to be lawful.

Applications for Costs

2. An application for costs has been made by Towns and Country Planning Partnership Ltd against Maidstone Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. During the course of this appeal, another appeal decision was issued in respect of the same proposed development, at the same site¹ (Previous Appeal). An LDC was issued pursuant to this Previous Appeal, which confirmed that the proposed siting of a caravan for use ancillary to the lawful agricultural use of the site, would have been lawful if implemented on the date of application (which in that case was 30 August 2024).
4. Since the Previous Appeal decision, the Council has withdrawn its objection to the current appeal application. In light of this, and given the issues can be clearly understood from the written evidence alone, the procedure for determining the appeal was changed from a Hearing to Written Representations, without a site visit. Neither party objected to this change in procedure.
5. Whilst the date of the current appeal application is slightly later than the date of application in the Previous Appeal, the facts are otherwise very similar. There is no new evidence before me, nor any material change of circumstances between the application dates, to warrant a different conclusion to that drawn by the previous Inspector. Accordingly, the same reasoning applies to the proposed use in the current appeal, which need not be repeated here.

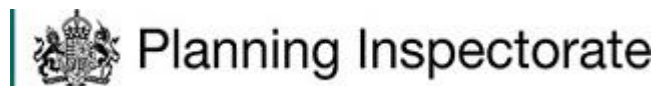
¹ APP/U2235/X/24/3357771

Conclusion

6. As with the Previous Appeal, the proposed siting of a caravan for use ancillary to the lawful agricultural use of the site would have been lawful at the time of the LDC application. In turn, the Council's refusal to grant a certificate of lawful use or development for the proposed use was not well-founded and the appeal should succeed. I will exercise accordingly the powers transferred to me in section 195(2) of the 1990 Act (as amended).

Mr James Blackwell

INSPECTOR



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 18 December 2024 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The use of the site for agriculture would not involve development as provided by section 55(2)(e) of the 1990 Act. A caravan which is used for ancillary purposes to the agricultural use of the site, would not be development for the purposes of the 1990 Act, since there would be no operational development and no material change of use.

Signed

Mr James Blackwell

Inspector

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First Schedule

The proposed siting of a caravan for use ancillary to the lawful agricultural use of the site.

Second Schedule

Land at Rosewood Farm, Scragged Oak Road, Detling ME14 3HL

IMPORTANT NOTES – SEE OVER

NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, was not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.

Plan

This is the plan referred to in the Lawful Development Certificate dated: 4 August 2025

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Scale: Not to Scale

LOCATION PLAN



ROSEWOOD FARM, DETLING