



Appeal Decision

by Diane Lewis BA(Hons) MCD MA LLM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2025

Appeal Ref: APP/U2235/C/25/3365888

Land at Longton Manor, Stockbury Valley, Stockbury, Kent ME9 7QN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Z Kiddle against an enforcement notice issued by Maidstone Borough Council.
 - The notice was issued on 15 April 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of land for the operating of a commercial waste business including the storing of waste, machinery, equipment and tools.
 - The requirements of the notice are to:
 - a) Permanently cease the use of the land for commercial purposes within the area outlined in Red on the attached plan.
 - b) Permanently remove from the land all waste, skips, machinery, tools and equipment facilitating the commercial business on the site outlined in Red on the attached plan.
 - c) Permanently remove from the land all hardstanding within the area outlined in red on the attached plan.
 - d) Remove all resultant materials, rubbish, paraphernalia and debris from complying with steps (a) to (c) above, from the Land as shown within the red outline on the plan attached.
 - The periods for compliance are: Three (3) months from when the notice takes effect for steps (a) to (c); One (1) further month for step (d).
 - The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).
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DECISION

1. It is directed that the enforcement notice be corrected in section 2 by the deletion of the words “within the title no: K679922 and”.
2. The appeal is allowed on ground (f) and it is directed that the enforcement notice be varied:
 - i. In section 5 by the deletion of the wording under the heading What You Are Required To Do and the substitution of:
 - a) Permanently cease the use of the land for commercial waste purposes within the area outlined in red on the attached plan.
 - b) Permanently remove from the land all waste, skips, machinery, tools and equipment facilitating the commercial waste business on the site outlined in red on the attached plan.
 - c) Remove all resultant materials, rubbish, paraphernalia and debris from complying with steps (a) and (b) above from the Land, as shown within the red outline on the plan attached.

- ii. In section 6 by the deletion of the wording under the heading Time for Compliance and the substitution of “Three (3) months from when the Notice takes effect for steps (a) and (b) and One (1) further month for step (c).”
3. Subject to the correction and the variations the enforcement notice is upheld.

REASONS

Appeal on ground (f)

4. The ground of appeal is solely directed towards step (c), the removal of the hardstanding. The appellant submitted this requirement is excessive because:
 - i. the description of the alleged breach of planning control does not include the hardstanding, and
 - ii. considering the planning history of the land, the hardstanding was a completed operation separate to the change of use.
5. On receipt of the new information the Council confirmed their agreement to the removal of step (c) to avoid any prejudice against the appellant.
6. There is no evidence contrary to that accepted by the Council. The appeal on ground (f) succeeds and I will vary the notice accordingly.
7. The description of the unauthorised material change of use is specific to use of the land for the operation of a commercial waste business. Requirement (a) requires the use of the land for commercial purposes to cease, which is wider in scope than the described breach and is excessive. This error may be corrected by inserting the word ‘waste’ in the requirement, with a consequent insertion of the word ‘waste’ in requirement (b).

Appeal on ground (g)

8. The issue is whether the periods for compliance with the requirements, as proposed to be varied, are reasonable and proportionate.
9. The appellant initially sought a period of four months because some activity was continuing on site and a small business was involved. The Council reported that when the site was visited on 2 May 2025 the business activity looked to have ceased. The one vehicle on the land was being stored for a friend. The appellant did not seek to challenge this evidence.
10. In view of the reported circumstances in relation to the business activity and the retention of the hardstanding the compliance periods are reasonable and proportionate. The appeal on ground (g) fails.

Other matter

11. The Land is identified by means of a plan attached to the notice. The inclusion of the title reference in the description of the Land is not necessary and will be deleted.

Conclusion

12. For the reasons given above, the enforcement notice will be upheld with a correction and variations.

Diane Lewis

INSPECTOR