



Appeal Decision

Site visit made on 30 August 2025

by **A U Ghafoor BSc (Hons) MA MRTPI FCMI fCMgr**

an Inspector appointed by the Secretary of State

Decision date: 15th September 2025

Two Appeals at Land at Drakes Head Den, Brick Kiln Lane, Hadlow Down, East Sussex

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the “1990 Act”).
 - The appeals are made by Thomas Eastwood against an enforcement notice issued by the Wealden District Council.
 - The enforcement notices were issued on 7 March 2023.
 - The period for compliance with requirements in both notices is 2 months.
 - Both appeals are proceeding on the grounds set out in section 174(2) (b) of the 1990 Act. Since the prescribed fees have not been paid in both appeals within the specified period, the appeals on ground (a) and the applications for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.
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Appeal A Ref: APP/C1435/C/23/3320696

- The breach of planning control as alleged is change of use of the Land from agriculture to a mixed use for agriculture and for the stationing of a caravan for non-agricultural use as a rest room and storage facility.
 - The requirements of the enforcement notice are to: (1) Stop using the land for the stationing of a caravan for non-agricultural use as a rest room and storage facility (2) Remove the Caravan from the land, and (3) Remove all materials, rubble, rubbish, debris, tools and equipment arising from compliance with the first requirement above from the land.
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Appeal B Ref: APP/C1435/C/23/3320738

- The breach of planning control as alleged is the erection of corrugated metal sheets forming a boundary fence.
 - The requirements of the enforcement notice are to: (1) Demolish, dismantle and remove the corrugated metal sheets forming a boundary fence, and (2) remove from the land all materials, rubble, rubbish, debris, tools and equipment.
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Decisions

1. Both Appeals are dismissed, and the enforcement notices are upheld.

Reasons

2. The appellant’s own evidence is that during the period leading up to the issuing of the notice and at the date of issue, the caravan was stationed on the land and used as a wash/hygiene facility. The argument is that the caravan is used in connection with agriculture. However, the existing use of the land is far from clear because horses are kept on the land and planning permission has been granted for the retention of two mobile field shelters and one hay store and proposed provision of additional hay store¹.
3. The evidence presented does not clearly show the type of agricultural use taking place on the land to which the caravan is functionally linked to. I am not satisfied

¹ Council ref WD/2019/2227/FR.

that the nature and type of horse keeping activity, or horsiculture, meet the statutory definition of “agriculture”². Based on the available evidence, I cannot be certain that the stationing of the caravan and its use as a wash/hygiene room fitted, or is incidental to, the lawful use of the land.

4. The appellant explains the fence was erected as a temporary means of enclosure allowing the hedgerow to grow and afford some privacy. I observed that the fence subject to this notice remains in place. The operations resulted in the erection of a fence made from timber posts and corrugated metal sheeting to form a permanent screen. It is solid and does not have a fleeting character. It follows that the appellant’s own evidence shows that during the period leading up to the issue of the notice, and at the date of issue, the fence had in fact been erected in the approximate position marked green in the site plan attached to the issued notice.
5. There is an added complexity. Even if the caravan and fence were somehow permitted or ancillary to an agricultural use, they would have required express planning permission. This is because a 1971 article (4) Direction appears to remove right to station caravans for more than 28 days in any calendar year on the land and removes permitted development rights relevant to the erection of means of enclosure.

Appeals A and B - Conclusions

6. On the balance of probability, the alleged matters had in fact occurred at the date of issue and ground (b) fails in both appeals.

A U Ghafoor

INSPECTOR

² Section 336(1) of the 1990 Act applied.