



Appeal Decision

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2025

Appeal Ref: APP/U1430/C/24/3339061

Lot 1 East, Old Coghurst, Rock Lane, Guestling TN35 4NY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr C Eldridge against an enforcement notice issued by Rother District Council.
 - The notice was issued on 26 January 2024.
 - The breach of planning control as alleged in the notice is change of use of the land from agriculture to a mixed use for agriculture and for the stationing of a caravan for residential purposes.
 - The requirements of the notice are: (i) Stop using the land for the stationing of a caravan for residential purposes; (ii) Remove all residential goods, chattels and paraphernalia from the land; (iii) Remove the caravan from the land; and (iv) Remove from the land all materials, rubble, rubbish, debris, tools, plant machinery and equipment arising from compliance with the above requirements.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the grounds set out in section 174(2)(c) of the Town and Country Planning Act 1990 (as amended).
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Decision

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

Preliminary Matter

2. The appeal has been made under ground (c); the Appellant is claiming that the stationing of a caravan for residential purposes, the breach of planning control alleged in the enforcement notice, is development permitted under the provisions of The Town and Country Planning (General Permitted Development)(England) Order 2015 (the GPDO). In these circumstances and given that the appeal must be determined on the basis of the situation that prevailed on the date that the notice was issued, visiting the site is unnecessary. The appeal has been determined without undertaking a site visit.

Reasons

3. The Appellant owns an agricultural holding of about 10.5 hectares on the east side of Rock Lane. He has prior approval for the erection of a barn and planning permission for the erection of a plant room adjacent to the barn. He has brought onto the land a caravan which he is living in whilst he works to establish the holding and to erect the two buildings. In this regard he is seeking to rely on Class A of Part 5 of Schedule 2 of the GPDO which states that "The use of land as a caravan site...in the circumstances referred to in paragraph A.2" is permitted development. Paragraph A.2 states that "The circumstances mentioned in Class A are those specified in paragraphs 2 to 10 of Schedule 1 to the 1960 Act (cases where a caravan site licence is not required)...". The 1960 Act is the Caravan Sites and Control of Development Act 1960.
4. The Appellant is relying on paragraph 9 of Schedule 1 to the 1960 Act, which states that "...a site licence shall not be required for the use as a caravan site of land which forms part of, or adjoins, land on which building or engineering operations are

being carried out...if that use is for the accommodation of a person or persons employed in connection with the said operations". It is worth noting that a condition of Class A of Part 5 of Schedule 2 of the GPDO is that the use is discontinued when the circumstances specified in paragraph A.2 cease to exist, and all caravans on the site are removed as soon as is reasonably possible.

5. It is claimed on his behalf that "Typically, the owner feeds the livestock on the holding from 5.30 am to 7 am; works elsewhere between 7.30 am and 12 noon; and then returns to the holding and works on the construction of the plant room from 2 pm to 7.30 pm. This pattern of feeding the livestock and working on the plant room takes place 7 days a week". It is clear from this claim that the Appellant does not live in the caravan solely for the carrying out of building operations. He is not, in fact, 'employed' in connection with the building operations but carrying out the work himself so there is no incentive for the works to be completed and thus for the caravan to be removed as soon as is reasonably possible.

6. The Council's refusal to grant planning permission for the siting of a caravan for use as a temporary agricultural dwelling is not a relevant matter, nor is the Appellant's ownership of a dwelling about 4.8 kms from his land off Rock Lane.

7. The Appellant is not employed in connection with the building operations that he is undertaking, and the caravan is not on the land solely in connection with the carrying out of the building operations. The stationing of a caravan for residential purposes is not therefore development permitted under Class A of Part 5 of Schedule 2 of the GPDO. The ground (c) appeal thus fails.

John Braithwaite

Inspector