



Appeal Decision

Site visit made on 7 October 2025

by **Mark Harbottle BSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 October 2025

Appeal Ref: APP/M2270/C/24/3346556

Land to the rear of The Knoxbridge Public House, Cranbrook Road, Frittenden, Cranbrook, Kent TN17 2BT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the Act").
 - The appeal is made by Mr J Crittenden against an enforcement notice ("the notice") issued by Tunbridge Wells Borough Council.
 - The notice was issued on 16 May 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the unauthorised material change of use of the land from a mixed use of agriculture and a campsite to a mixed use of agriculture, a campsite, and for the stationing of 4 mobile homes and a touring caravan for residential purposes and for the storage and parking of vehicles, a shipping container and storage of various residential paraphernalia.
 - The requirements of the notice are: (1) Cease the residential use of the land; (2) Remove all mobile homes and caravans from the land; (3) Cease the use of the land for the storage and parking of vehicles; storage containers; and all domestic items/paraphernalia; and (4) Remove from the land all materials, rubbish and associated domestic items and paraphernalia from compliance with (1) – (3).
 - The period for compliance with the requirements is: 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(d), (f), (g) of the Act.
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Decision

1. It is directed that the notice is corrected by the deletion of the plan attached to it on issue and the substitution of the revised plan attached to this Decision.
2. Subject to the correction, the appeal is dismissed, and the notice is upheld.

The Notice

3. The affected land is described as "Land to the rear of The Knoxbridge Public House" but the land edged red on the accompanying plan also includes the public house. In contrast, the notice makes no reference to public house use in its description of the previous and alleged mixed uses of the land, and the Council considers the public house to be a separate planning unit.
4. Having sought the parties' views on this matter I am satisfied that the notice can be corrected by substituting a plan that excludes the public house. As this would result in the notice affecting a smaller area, it would not make it more onerous, and therefore no injustice would arise.
5. The Council reports that hardcore was imported and spread, a concrete base was formed, and a new mobile home was sited on the land after the notice was issued. The alleged breach of planning control includes the stationing of mobile homes, and the notice requires all mobile homes and caravans to be removed from the land. However, while the Council suggests the notice could be varied to require the

hardcore and concrete base to be removed, that would make it more onerous and therefore cause injustice to the appellant and others on whom it was served.

The appeal on ground (d)

6. The alleged breach of planning control is the change of use of the land to a new mixed use. The appellant cites sections 171B(1) and (2) of the Act and refers to the stationing of a caravan on land as operational development. He further states, “the question posed is whether the caravan on-site has been in residential occupation for a period in excess of 4 years.”
7. Stationing a caravan on land is not operational development, although a material change in the use of the land may arise, depending on the use to which the caravan is put, and section 171B(1) is therefore not relevant. Section 171B(2) concerns the change of use of any building to use as a single dwellinghouse but a caravan is not a building, so it is not relevant either. The relevant time limit for immunity from enforcement action in the case of a material change of use of land is 10 years, as section 171B(3) of the Act provides.
8. The appeal on this ground will therefore succeed if it both of the following can be demonstrated:
 - The material change of use alleged in the notice was made on or before 16 May 2014 (“the Relevant Date”), 10 years before the date on which the notice was issued.
 - The new use continued thereafter without significant interruption.
9. The burden lies with the appellant to demonstrate those things on the balance of probabilities.
10. The elements of the alleged use that were not part of the former mixed use are:
 - The stationing of mobile homes and a touring caravan for residential purposes.
 - The storage and parking of vehicles.
 - The storage of a shipping container on the land.
 - The storage of residential paraphernalia.

The stationing of mobile homes and touring caravan

11. It is the use of land for the stationing of mobile homes and/or caravans for residential purposes that must be demonstrated; it is not necessary to demonstrate the continued presence of any specific mobile home or caravan.
12. Aerial images from July 2013, before the Relevant Date, and April 2015 show a caravan or motorhome on part of the land. Aerial images from May 2018, April 2020 and August 2022 show more mobile homes and touring caravans or motorhomes and what may be tents or bases for tents can also be seen in the April 2020 image. A photograph of a printed aerial image that the appellant states is from 2013 shows a mobile home and a touring caravan that are not in the July 2013 or April 2015 images.

13. There is far more activity on the land, including several tents, touring caravans and vehicles, in an aerial image¹ from 2016. A precise date has not been given but trees are in leaf, so it was probably taken in late spring or summer. The appellant states that the land has been used for events including military fairs, dog shows and book fairs in addition to camping and has produced photographs from a military fair held on the land in 2016. The image therefore appears to show a specific event, rather than a residential use.
14. Frittenden Parish Council states that the various images show periodic use of the land including the storage of caravans noted by residents. It considers the residential use of caravans did not begin until summer 2016, when a new landlord at the public house and his family began to occupy 2 mobile homes.
15. The appellant's evidence demonstrates that the use of the land for the stationing of a caravan or motorhome began before the Relevant Date. It may also show that a mobile home and touring caravan were also stationed there before the Relevant Date. However, the appellant has not produced any evidence of residential occupation of any caravan, mobile home, or motorhome on the land on or prior to the Relevant Date. Indeed, it is telling that his evidence is presented under the heading 'Storage of the caravans.' The question of whether there has been continuous residential occupation therefore does not arise.
16. Accordingly, and on the balance of probabilities, it has not been demonstrated that this element of the alleged mixed use was immune from enforcement action on the date the notice was issued.

The storage and parking of vehicles

17. The Council considers the aerial images from May 2018 and April 2020 show storage of vehicles on the land. Five objects that could be vans, touring caravans, campervans or motorhomes are visible in the earlier image and what appear to be 2 campervans or mobile homes and a car are visible in the later image. However, the images cannot reveal what use of the land any of those objects were there in connection with.
18. The absence of further evidence of storage and parking of vehicles from either party means there is considerable uncertainty about this aspect of the alleged mixed use. The storage of vehicles, or any other items, may be a use of land but parking of vehicles can either be a use of land or incidental to another use of land. From the limited evidence before me, it is impossible to be sure why any vehicle was present. Nevertheless, the appellant has not addressed this matter sufficient to discharge the burden upon him on the balance of probabilities. It has therefore not been demonstrated that any storage and parking of vehicles was immune from enforcement action on the date the notice was issued.

The storage of the shipping container

19. The parties' evidence on this matter is limited and unclear. The appellant states that events hosted by the public house require facilities and equipment that cannot be stored there but he does not explicitly state that any shipping container sited on the land has met that need. However, the wording of the notice and the Council's evidence indicate that the storage of a shipping container itself is under attack.

¹ Appendix C to the appellant's grounds of appeal.

20. A large shipping container can be seen on the land in the April 2020 aerial image, and I saw a smaller one in the same approximate position during my site visit. However, there is no evidence of storage of a shipping container on the land on or before the Relevant Date. Accordingly, and on the balance of probabilities, it has not been shown to have been immune from enforcement action on the date the notice was issued.

The storage of residential paraphernalia

21. No evidence of storage of residential paraphernalia from on or before the Relevant Date has been proffered, so this element of the alleged use has not been shown to have been immune from enforcement action on the date the notice was issued.

Conclusion on ground (d)

22. For the reasons given, it has not been demonstrated, on the balance of probabilities, that any aspect of the alleged mixed use was instituted on or before the Relevant Date and continued thereafter without significant interruption. The appeal on this ground must therefore fail.

The appeal on ground (f)

23. The requirements of the notice seek the cessation of the residential and storage elements of the mixed use, leaving those elements that comprised the previous mixed use, and the removal of mobile homes, caravans, and stored items. Its purpose is therefore to remedy the breach of planning control, and it is not limited to remedying injury to amenity.
24. The appellant contends that it is excessive to require the residential use of the land to cease because caravans provide accommodation for people working at the public house, who would be made homeless. However, the public house is closed, so there is no functional or housing need for a relaxation of the requirement. More fundamentally, deleting the requirement would allow an unauthorised element of the mixed use to continue, thereby frustrating the purpose of the notice.
25. The appellant also contends that ending storage uses would significantly impact the operation of the lawful campsite and make the public house unviable. However, no evidence of storage incidental to either use has been produced. Again, deleting the requirement would allow an unauthorised element of the mixed use to continue, thereby frustrating the purpose of the notice.
26. Accordingly, the appeal on this ground must fail.

The appeal on ground (g)

27. The appellant seeks a 12-month period for compliance, stating that “the removal of buildings, structures, vehicles, containers, paraphernalia and materials” would be impossible within 6 months, as required. The notice does not require any building or structure to be removed, so only vehicles, containers, domestic items and paraphernalia and any materials resulting from compliance with other steps need to be considered.
28. I saw only one shipping container, only a few vehicles, and little in the way of domestic items or paraphernalia on the land. No reasoning is given as to why so few items could not be removed within 6 months. Accordingly, it has not been

demonstrated that the period falls short of what should reasonably be allowed to remove so few items.

29. For these reasons, the appeal on this ground must fail.

Conclusion

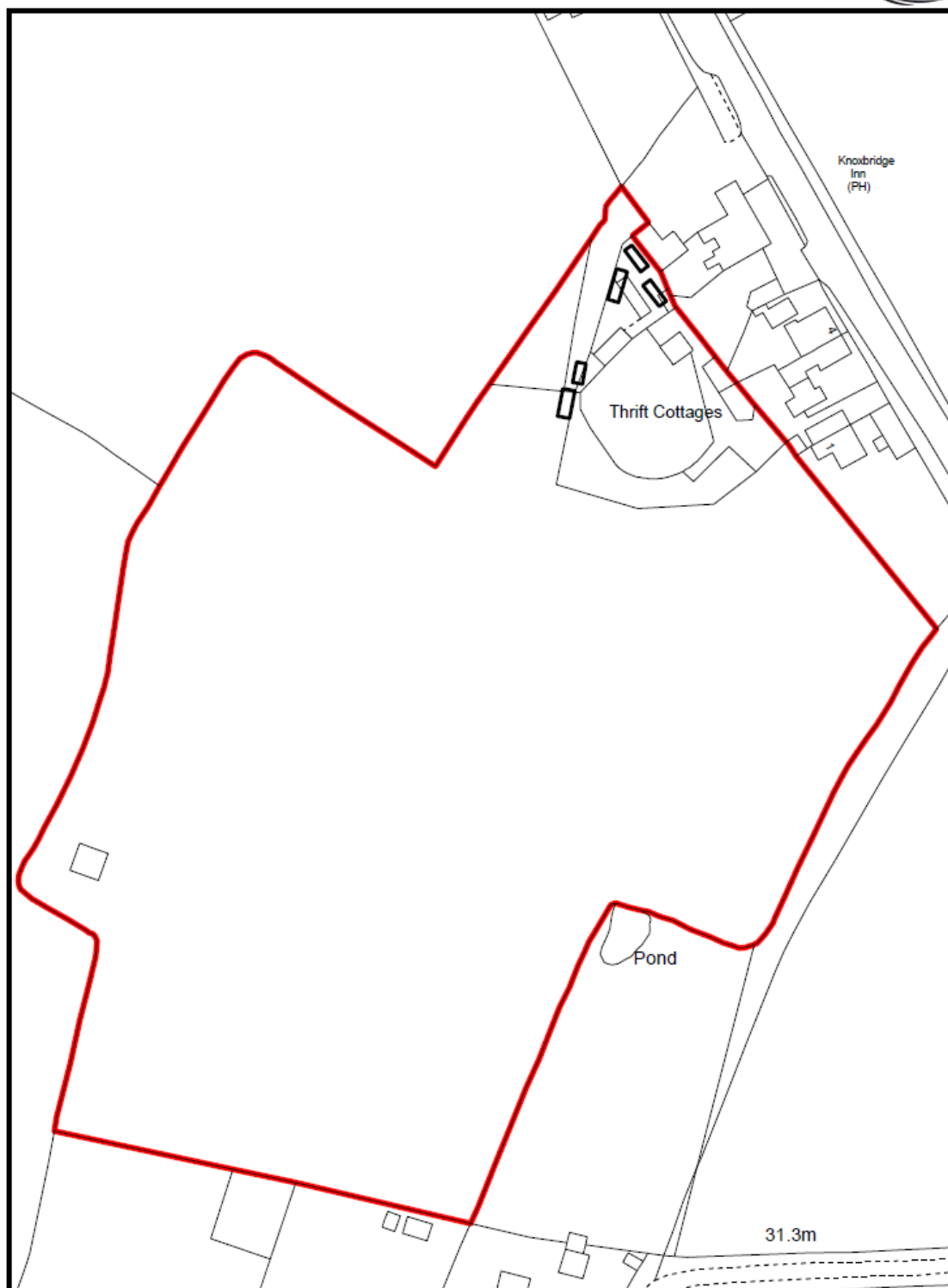
30. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the notice with a correction.

Mark Harbottle

INSPECTOR

Revised enforcement notice plan

THE KNOXBRIDGE CRANBROOK ROAD FRITTENDEN CRANBROOK KENT TN17 2BT



Scale 1:1,250

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Map Dated: October 2025