



Appeal Decision

Site visit made on 15 October 2025

by **L Douglas BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 October 2025

Appeal A Ref: APP/L3815/C/23/3324972

Appeal B Ref: APP/L3815/C/23/3324974

Land known as Southwood Park Estate, Marlpit Lane, Hambrook, Chichester, West Sussex PO10 8EQ

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act) by Mr Adam Barton against enforcement notices issued by Chichester District Council.
- The notices were issued on 22 May 2023.
- The breach of planning control as alleged in the notice in Appeal A is: Without planning permission, the material change of use of the Land to use as a camp site.
- The requirements of the notice in Appeal A are: (i) Discontinue the use of the Land as a camp site; (ii) Remove the twelve canvas covered structures (in the approximate positions shown on the Plan), including wooded bases and internal furniture, from the Land; (iii) Remove the marquee (in the approximate position shown on the Plan), including internal furniture, from the Land; (iv) Remove the toilet block building (in the approximate position shown on the Plan), from the Land; (v) Remove the storage building (in the approximate position shown on the Plan), from the Land; (vi) Remove the shepherds hut building from the Land; (vii) Remove the play structures (in the approximate position shown on the Plan) from the Land; (viii) Remove the gravel forming a hard surface car park (in the approximate position shown on the Plan), from the Land (ix) Remove the gravel and/or wood chip forming a hard surface path ways and brick edgings (in the approximate positions shown on the Plan), from the Land and (x) following compliance with (viii) and (ix) above, level the areas affected and reseed with grass.
- The breach of planning control as alleged in the notice in Appeal B is: Without planning permission, the construction of twelve canvas covered structures, a marquee, a toilet block building, a storage building, play structures, a hard surface gravel car park and surfaced pathways with brick edgings in the approximate positions shown on the attached Plan.
- The requirements of the notice in Appeal B are: (i) Remove the twelve canvas covered structures, including wooden bases and internal furniture, from the Land; (ii) Remove the marquee, including internal furniture, from the Land; (iii) Remove the toilet block building from the Land; (iv) Remove the storage building from the Land; (v) Remove the play structures, from the Land; (vi) Remove the gravel forming a hard surface car park from the Land (vii) Remove the gravel and/or wood chip forming the hard surfaced pathways and brick edgings, from the Land and (viii) Following compliance with (vi) and (vii) above, level the areas affected and reseed with grass.
- The period for compliance with the requirements of the notices is 6 months after they take effect.
- Both appeals are proceeding on the grounds set out in section 174(2)(b), (c) and (d) of the Act.

Summary of Decision in Appeal A: The appeal is dismissed and the enforcement notice is upheld with a correction and variations in the terms set out below in the Formal Decision.

Summary of Decision in Appeal B: The appeal is dismissed and the enforcement notice is upheld with variations in the terms set out below in the Formal Decision.

Preliminary matters

1. Appeal A relates to an alleged material change of use (MCU), whereas Appeal B relates to alleged operational development. For ease of reference I shall refer to the notice in Appeal A as 'Notice A', and the notice in Appeal B as 'Notice B'.
2. Notice A may require the removal of ancillary or incidental works, items, or operational development integral to and solely for the purpose of facilitating the alleged unauthorised use, to restore the land to its condition before the change of

use took place. This remains the case even if such items, works, or operational development were carried out more than four years before the notice was issued, if they would otherwise benefit from planning permission granted by The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), or if they do not comprise development requiring planning permission at all¹. Thus, if any of the alleged operational development in Notice B was integral to and solely for the purpose of facilitating the MCU in Notice A, there is no need for Notice B to refer to it.

3. It is claimed the twelve canvas covered structures (the Bell tents), the marquee, and the toilet block do not comprise operational development. Even if they are not 'buildings' and do not comprise operational development, they are on the land for the purpose of facilitating the MCU to a campsite. They are intrinsic parts of the campsite, and they would not be present on the land were it not for the dependence of the campsite on them. The same can be said of the play structures and surfaced pathways with brick edgings. I therefore find that it is appropriate for Notice A to require their removal, and I shall delete reference to them from Notice B.
4. It is claimed that the storage building comprises an old non-campsite storage building, present for over 20 years, which has merely been repaired/refurbished, with the door replaced. Very limited information has been provided to support this claim, but photographs dated 27 April 2021 and 17 January 2022 show a dilapidated structure in the same location as the storage building currently in place. I doubt that the storage building currently in place is the same as that shown in the 2021/2 photographs; however, as the storage building is referred to as a separate act of operational development in Notice B, and because a non-campsite storage building clearly existed in the same position in 2021/2, I shall leave reference to the storage building in Notice B and delete reference to it in Notice A.
5. The 2021/2 photographs also show an extensive area of hard-surfacing in the approximate area of the gravel car park which currently exists. As this appears to pre-date the MCU, I shall leave reference to it in Notice B and delete it in Notice A.
6. Notice B therefore needs to be varied by deleting reference to the Bell tents, the marquee, the toilet block building, play structures, and surfaced pathways with brick edgings, all of which are required to be removed by Notice A. To avoid replication in the requirements of the notices, I shall vary Notice A by deleting Steps (v) and (viii). These variations can be made without causing injustice, as appeals have been made under the same grounds against Notice A and Notice B. Moreover, if Notice A is capable of requiring the removal of any works mentioned in Notice B, and if Notice A is upheld, they will be unlawful.

Appeal A

Ground (b)

7. To succeed under this ground of appeal, the appellant needs to show that the alleged MCU has not occurred, as a matter of fact. It is not disputed that the site is in use as a campsite and that it was not in use as a campsite previously. The MCU has therefore taken place, and the alleged breach of planning control has occurred.
8. The appeal under ground (b) in Appeal A therefore fails.

¹ *Murfitt v SSE & East Cambridgeshire DC* [1980] JPL 598; *Somak Travel v SSE* [1987] JPL 630; *Kestrel Hydro v SSCLG & Spelthorne BC* [2016] EWCA Civ 784; *Caldwell & Timberstore Ltd v SSLUHC & Buckinghamshire Council* [2024] EWCA Civ 467

Ground (c)

9. To succeed under this ground the appellant needs to show, on the balance of probabilities, that the MCU to a campsite was not in breach of planning control.
10. Section 57 of the Act states that planning permission is required for the carrying out of any development of land. Section 55 provides the relevant meaning of 'development', which includes the making of any material change in the use of any land. The MCU therefore comprises development requiring planning permission.
11. Article 3(1) and Class C of Part 5, Schedule 2 of the GPDO grant planning permission for 'the use of land by members of a recreational organisation for the purposes of recreation or instruction, and the erection or placing of tents on the land for the purposes of the use'. Paragraph C.2 of Class C clarifies that in this context, 'recreational organisation' means an organisation holding a certificate of exemption under section 269 of the Public Health Act 1936 (the PH Act). In addition, Article 3(1) is clear that planning permission is granted subject to regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations).
12. The appellant has provided copies of the relevant certificates of exemption referred to by section 269 of the PH Act, which have been issued by Natural England to South Wood Camping Club, in the appellant's name, dated 23 January 2023. Those exemption certificates are valid until 23 January 2028. A Certified Site Certificate has been issued by South Wood Camping Club in respect of the appeal site, dated 18 February 2023.
13. Therefore, the use of the site by members of South Wood Camping Club for the purposes of recreation or instruction, and the erection or placing of tents on the land for the purposes of that use, benefits from planning permission granted by the GPDO, subject to regulations 75 to 78 of the Habitats Regulations.
14. South Wood Camping Club operate the site, but there is little information before me as to who uses the site for the purposes of recreation or instruction. The MCU would only fall within Class C referred to above where the people camping are members of South Wood Camping Club, but there is nothing before me to show that the people using the site are members. The Council has provided extracts from Southwood Park website, which refer to luxury glamping, 'wine and dine' on-site extras, and include the tagline 'we are the perfect destination for family holidays, romantic breaks, personal rest, conferences, work training or team building days'. None of the evidence refers to people using the site for the purposes of recreation or instruction needing to be members of South Wood Camping Club.
15. It has not therefore been shown, on the balance of probabilities, that the MCU to a campsite benefited from the planning permission granted by Article 3(1) and Class C of Part 5, Schedule 2 of the GPDO. Moreover, I am not aware of any other planning permission that the MCU may have benefitted from.
16. Aside from the above, although I am aware that the certificates of exemption were issued by Natural England, there is no information before me to suggest regulations 75 to 78 of the Habitats Regulations have been complied with. Regulation 75 states: 'It is a condition of any planning permission granted by a general development order made on or after 30th November 2017, that development which— (a) is likely to have a significant effect on a European site or a European

offshore marine site (either alone or in combination with other plans or projects), and (b) is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the local planning authority under regulation 77’.

17. Considering the reasons for issuing the notice refer to the site being within the ‘zone of influence’ of the Chichester and Langstone Harbours Special Protection Area, and allege significant harm to those areas of nature conservation due to increased recreational disturbance, the available evidence does not convince me that the MCU would not have been likely to have had a significant effect on that European site. It has not therefore been shown, on the balance of probabilities, that the MCU was in accordance with regulation 75 of the Habitats Regulations, as required by Article 3(1) of the GPDO.
18. The appeal under ground (c) in Appeal A therefore fails.

Ground (d)

19. To succeed under this ground of appeal the appellant needs to show, on the balance of probabilities, that at the date when the notice was issued no enforcement action could have been taken in respect of the MCU.
20. With regard to section 171B of the Act, no enforcement action could have been taken against the MCU if it took place at least ten years before the notice was issued. The MCU took place after the exemption certificates were issued by Natural England on 23 January 2023. No evidence has been provided to suggest the MCU took place at least ten years before the notice was issued.
21. The appeal under ground (c) in appeal A therefore fails.

Other matter

22. It is claimed that the hard surface pathways referred to by Step (ix) of the notice in Appeal A do not exist, as the pathways are simply mud tracks. I note from the evidence and what I saw during my site visit that wood chippings have been laid over cleared sections of earth to form brick-edged pathways. I shall therefore correct Step (ix) of the notice in Appeal A to ensure that only the wood chippings and brick edgings are required to be removed by Step (ix), without causing injustice to any parties.

Appeal B

Grounds (b) and (c)

23. It is not disputed that a storage building and a hard surface gravel area were present on the land prior to the notice being issued, or that they were carried out in breach of planning control. As a matter of fact, the alleged breaches of planning control have occurred, and on the balance of probabilities they are in breach of planning control.
24. The appeal under grounds (b) and (c) in Appeal B therefore fails.

Ground (d)

25. With regard to section 171B of the Act, no enforcement action could be taken against the storage building or the hard surface gravel car park if they were

constructed at least four years before the date on which the notice was issued. The onus is therefore on the appellant to show they were substantially completed on or before 22 May 2019 for Appeal B to succeed under ground (d).

26. As set out above, the photographs dated 2021/2 show a storage building in the same position as that which exists today and extensive areas of hardstanding in the area comprising the hard surface gravel car park. Additional photographs dated 23 March 2021 also show the hard surfacing in place. The appellant has also provided what they have referred to as an aerial photograph dated 'prior to 2023'. Aside from the poor quality of that aerial photograph, it does not add much to what the 2021/2 photographs show.
27. A photograph of the site entrance dated 22 March 2017 shows a hard surfaced entrance leading up to closed gates, but it does not show the areas concerned. Moreover, it does not suggest that the storage building or hard-surfaced area were in existence at that time.
28. It is claimed that the planning history of the site refers to the site being used as a quarry, but I have not been provided with any evidence of this, or that this resulted in the land being finished with hard surfacing.
29. Overall, there is limited evidence to support the appellant's claims that the storage building or the hard surface gravel car park were constructed prior to 2021. The basic construction of the storage building shown in the 2021/2 photographs means that the dilapidated state of the building at those times is not a reliable indication that the building had been substantially completed by 22 May 2019. The appellant has failed to provide sufficiently precise and unambiguous evidence to support their claims that the development was carried out at least four years before Notice B was issued.
30. The appeal under ground (d) in Appeal B therefore fails.

Conclusions

Appeal A

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

Appeal B

32. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with variations.

Formal Decisions

Appeal A

33. It is directed that the enforcement notice is corrected and varied by:

- The deletion of Steps (v) and (viii) in their entirety at Section 5 of the enforcement notice;
- The deletion of the text '(viii) and' at Step (x) of Section 5 of the enforcement notice; and

- The deletion of the text ‘gravel and/or wood chip forming a hard surface pathways and brick edgings (in the approximate positions shown on the Plan)’ at Step (ix) of Section 5 of the enforcement notice, and the substitution of the text ‘wood chip and brick edgings forming pathways in the approximate position of the green line within the land edged blue on the attached plan’.
34. Subject to the correction and variations, the appeal is dismissed and the enforcement notice is upheld.

Appeal B

35. It is directed that the enforcement notice is varied by:

- The deletion of the text ‘twelve canvas covered structures, a marquee, a toilet block building, a storage building, play structures, a hard surface gravel car park and surfaced pathways with brick edgings’ at Section 3 of the enforcement notice and the substitution of the text ‘a storage building and a hard surfaced gravel car park’;
 - The deletion of Steps (i), (ii), (iii), (v), and (vii) in their entirety at Section 5 of the enforcement notice; and
 - The deletion of the text ‘and (vii)’ at Step (viii) of Section 5 of the enforcement notice.
36. Subject to the variations, the appeal is dismissed and the enforcement notice is upheld.

L Douglas

INSPECTOR