



Appeal Decision

Inquiry held on 18 November 2025

Site visit made on 17 November

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 28th November 2025

Appeal Ref: APP/P1425/X/25/3369467

Kidds Farm St. Helena Lane, St. Helena Lane, Plumpton, East Sussex, BN6 8SD

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Stephen Ulph against the decision of Lewes District Council.
 - The application ref LW/23/0429, dated 17 July 2023, was refused by notice dated 4 February 2025.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 (as amended).
 - The use for which a certificate of lawful use or development is sought is use of static caravan for separate residential use.
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Decision

1. The appeal is dismissed.

Main Issues

2. Whether the caravan has always (or ever) been capable of supporting day to day living, and whether it was occupied as a separate residential unit or was ancillary to Kidds Farm.

Reasons

3. The Council provided no factual evidence of their own to contradict the appellant's version of events. Consequently, I should take his evidence at face value as long as it is sufficiently precise and unambiguous. The appellant himself provided no relevant hard evidence either so the appeal turns on the sworn statements made in writing and at the inquiry.
4. Mr Ulph is a builder by trade and runs a building company. He and his family have lived at Kidds Farm since 2001. The caravan was always there, apparently installed by the previous owner. Kidds Farm is a large house set in its own grounds, accessed by two drives. The short, northern drive is close to a blind corner so is used to enter the property, the longer, southern drive leads to a better access point onto the road. There is a large lawned back garden with various outbuildings and a pool. Beyond that is a copse of trees and bushes on the back edge of which is the caravan. That is, it faces away from the house and is screened by the copse.
5. In 2004 Marcin Warowny, a Polish carpenter began working for Mr Ulph's company and in 2007 Mr Ulph offered to let him stay in the caravan. He lived there until December 2019 when he returned to Poland. In early 2019, another employee, a labourer, Andrew Manley, also needed somewhere to stay and he

shared the caravan with Mr Warowny until the latter left. Mr Manley then stayed on at the caravan until September 2021. It has been empty since then. The 10 year period thus revolves around their occupation between 2007 and 2021.

6. I have no reason to doubt this is an accurate outline of the timings of the occupation of the caravan, but that does not, on its own, suggest there has been the creation of a new residential unit within the grounds of Kidds Farm. Firstly I need to consider whether the caravan actually provides everything for day to day living. It has electricity and running water, provided from Kidds Farm, a bedroom, kitchen/diner and a second room (used as a bedroom by Mr Manley when both were sharing the caravan). Next to the caravan is a portaloo, which contains a toilet, wash basin and electric shower. This is sufficient in my view to suggest the structure, as I saw it, does provide all the day-to-day needs of a residential unit. However, there is an issue over the portaloo. The only photographs of the caravan and portaloo were taken in 2023 so there is no separate evidence for the portaloo before then. Mr Ulph has always maintained the toilet/sink/shower were always available at the caravan. An email at application stage said the portaloo was over 8 years old and replaced an earlier one that “was in quite a state”. Mr Ulph in cross-examination suggested there was originally a timber shed with a “camping toilet”, and that was a bit crude so was swapped for a portaloo, probably sometime in 2008/09. I am not an expert on the lifecycle of portaloes but it seems unlikely, if it was used every day (and for nearly a year by two people) it would last for 10 years without replacement. It seems odd there should be confusion over something that was essential for the occupiers. While I do not think this, on its own, undermines the claim the caravan always had the necessary facilities, I shall return to it later as an example of the surprising level of uncertainty surrounding the occupation of the caravan.
7. This uncertainty is manifested in another straightforward issue, the question of post. There are two post boxes attached to a fence on the northern access, but neither are labelled so presumably both, as far as the postman was concerned, would be for Kidds Farm. A separate address has never been established for the caravan, so all the occupiers post went to Kidds Farm. Originally, Mr Ulph said the post was delivered to his house and the two occupants collected it from him directly. He later changed this to say the post for the occupiers was collected from a separate dedicated postbox. Later still he said while post was usually delivered to the postbox, occasionally it came to the house. He would either put it back in the postbox or, if he was too tired would call them and they would collect it from the house. At the Inquiry, he said post was often confused, due to a plethora of addresses in the area with ‘Kidds’ in their name. Delivery vans could put parcels anywhere really and post could be put in the porch, or the postbox. In reality only one postbox was used.
8. While post is a fairly minor issue in itself, it again casts doubt on what actually was going on. There couldn’t be a dedicated postbox as neither were ever labelled and no separate address was ever established. Mr Ulph was quite vague at the Inquiry as to what happened. It would have been quite simple to have one box labelled ‘Caravan’ and the occupants put that as their address.
9. A further area of confusion lies in the use of facilities at the house. In an email at application stage it was stated the caravan had a camping toilet, but there was a side entrance to the house that was used for showering and when a proper toilet was preferred. In my view this suggests that there was a portaloo type

arrangement which was only a toilet and showers were taken in the house. Kidds Farm does have an attached annex with a toilet and shower, accessed from a 'side' door, that is actually on the front of the house. There is a key box, and it later was stated Mr Warowny had the code for the box, but not Mr Manley. In later declarations Mr Ulph made clear the shower option was only used at most twice during Mr Warowny's occupation, because there was no need, he had a shower in the portaloo. Once the Council advised that the use seemed more likely to them to be ancillary, Mr Ulph changed his position and he and Mrs Gilligan-Smith (Mr Ulph's partner) were at pains to stress the occupants of the caravan never had access to the house at all.

10. This touches on another area of disagreement concerning Mr Warowny's relationship with Mr Ulph. Originally, Mr Ulph said he never asked Mr Warowny for rent *"as he was always very helpful and would happily help out with tasks outside of work to help me or my family"*. Mr Ulph was taken ill in 2010 and he said that Mr Warowny was *"my main carer during this period"*. He helped out by taking him to appointments, collecting shopping and taking the children to school. When Mr Manley moved in he too was *"an eager worker and always offered tohelp with other little jobs such as gardening at my home or helping with jobs at the local church"*. Mr Ulph never asked for rent or any payments as they were *"both good people and helped me whenever I asked"*. At the inquiry it emerged that Mr Warowny worked a 6 week on (sometimes longer depending on the job) and 2 week off schedule, when he would go back to Poland to his wife and children. A third child arrived at some point, contributing to his eventual decision to move permanently back to Poland. Mr Manley, it turned out, began dating Mr Ulph's daughter (although he said this began after he left the caravan), and they now live together in Burgess Hill.
11. Putting this evidence together, the picture that emerges, is of two men who have a close and friendly arrangement with the occupants of Kidds Farm, helping out when necessary, using the facilities from time to time, and virtually being part of the family, especially when Mr Ulph was ill. This describes to me something that is much more like an ancillary rather than a separate residential use. Further evidence supporting this view is that there were no separate bills. All utilities were provided from Kidds Farm and no rent was paid. There was also no physical separation on the ground between the caravan and the farmhouse. An aerial photograph from 2005 shows a worn track leading off the drive to Kidds Farm to the caravan, but this has now disappeared. It was agreed at the Inquiry that parking was on the main driveway. There has been no attempt to create a separate planning unit and one is not visible on the ground.
12. The alternative view, which was put forward in later statements and at the inquiry, was that neither Mr Warowny nor Mr Manley had anything to do with the occupants of Kidds Farm. They did not ever access the house and had no reason to. At best, Mr Warowny's help during Mr Ulph's illness was limited to occasional lifts in the car when Mr Ulph was too tired and a very few school runs. They collected their post from the postbox.
13. I find it very hard to reconcile these two views. At the beginning of the process Mr Ulph described the arrangements as noted above. It wasn't until the Council suggested the use was ancillary rather than independent that the position began to change and it is difficult to not see a relationship between these two. In this case, in the last few years of occupation, it seems Mr Manley kept up a vegetable

garden, greenhouse and bees, which is indicative of permanent occupation, but the same is not true of Mr Warowny, who was not in occupation for about a quarter of the year, but back in Poland. However, the key issue is that the various discrepancies I have outlined above suggest strongly to me the appellant's evidence is neither precise nor unambiguous to demonstrate, on the balance of probabilities, that a separate residential use has been established for a period of 10 years or more at Kidds Farm.

Other Matters

14. During the course of the appeal and at the Inquiry, the appellant made reference to the long delays in dealing with the original application by the Council. The Council have apologised for this, but other than it being annoying to the appellant I do not see that it had any bearing on the outcome of the appeal and I have given it little weight.

Conclusion

15. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for use of static caravan for separate residential use is well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act (as amended).

Simon Hand

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

David Collins – planning agent

He called

Mrs Carol Gilligan-Smith

Mr Stephen Ulph

Mr Andrew Manley

FOR THE LOCAL PLANNING AUTHORITY:

Mr John Fitzsimons – barrister

He called

Marc Dorfman – Lewes DC

DOCUMENTS

1. Google Earth photograph from 2005
2. LPA Closings
3. Missing draft statement of common ground