



Appeal Decision

Inquiry Held on 2 and 3 December 2025

Site visit made on 3 December 2025

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 December 2025

Appeal Ref: APP/H2265/X/25/3369278

Four Seasons Park, Labour In Vain Road, Wrotham, Sevenoaks, Kent TN15 7PA

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr F Saunders of Home from Home Living Ltd against the decision of Tonbridge & Malling Borough Council.
 - The application Ref TM/25/00117/PA, dated 22 January 2025, was refused by notice dated 4 July 2025.
 - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use is sought is: Use of land as a caravan site together with amenity and ancillary areas and an additional six caravans shown cross hatched on the proposed plan (a total of 38 caravans).
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Summary of Decision

1. The appeal is allowed and a certificate of lawful use is issued, in the terms set out below in the Formal Decision.

Preliminary Matter

2. A Case Management Conference was held virtually on 15 September 2025. This was purely procedural, and the merits of the appeal were not discussed.

Main Issue

3. The main issue is whether the Council's refusal to grant a certificate of lawfulness is well founded.

Reasons

4. The site is accessed from Labour in Vain Road and is fenced all around, with a single electric gated vehicle and pedestrian entrance from the highway. The proposal relates to use of the appeal site as a caravan site together with amenity and ancillary areas and an additional six caravans in prescribed locations for the purposes of human habitation, thereby making a total of 38 caravans.
5. In matters such as this, the onus is firmly on the appellant to demonstrate their case on the balance of probabilities. My assessment is therefore fact specific, based upon the evidence before me.

6. The evidence is planning permission was first granted for the continued use of land as a caravan site in 1983. This related to the eastern side of the appeal site for seasonal use. That permission was then varied in 2014 to allow year-round use of the caravans for holiday purposes.
7. In 2024 the Council issued a certificate of lawfulness¹ with the first schedule certifying the lawful use as: *'Change of use of land for the siting of an existing site office, access track, parking areas, package sewage treatment plant, water pump structure and the siting of caravans at the eastern site boundary for use as part of existing caravan site to the east known as Four Seasons...'*. This represented a modified description of lawfulness to that applied for.
8. The Council also modified the area of land certified, which was attached to the certificate by means of a plan with black hatching. It therefore does not relate to the entirety of the appeal site.
9. The drafting of the certificate however causes some tension as it also certifies *'...and use of the remaining land as a recreational area, meeting point and play area including picnics and family visits.'* This was likely because the Council did not consider those activities to be *'material enough to constitute development.'* Whether or not that is correct, the Council has however accepted those activities have subsisted in excess of a period of 10 years².
10. The locations identified for the stationing of the additional six caravans fall outside the land certified by the Council, being part of the recreational area. Signs at the site as well as advertising literature also only show the area where caravans were originally stationed and there are no permanent features, such as play equipment, other than those cited by the Council in the certificate.
11. However, such matters do not stymie the case for lawfulness as there is very little evidence to demonstrate any use of the recreational area for purposes that were either not immediately and directly used in conjunction with the caravan site or otherwise were not ancillary uses to it. Even though there is no sworn evidence, the site can only be accessed via an electric gated access and so is not open to anyone other than occupiers of the caravan site and there is very little contrary evidence before me to which I can attach any meaningful weight. On the balance of probabilities, a genuine connection therefore exists between the use of the recreational area and the use of the caravan site.
12. The unit of occupation is then one of the same and there is little evidence of physical and functional separation. The parties accordingly agree that the entirety of the appeal site comprises a single planning unit. The Council also accept there was a use as a caravan site but during the Inquiry could not identify any other primary use that might then have given rise to a mixed use. That all being so, as a matter of fact and degree, the entirety of the appeal site must be a single planning unit in use as a caravan site.
13. I accept that the presence of the six additional caravans would have some impact on the immediate character of the site, for example by means of reducing some grassland and openness. The proposal also represents around a 20% increase in the number of caravans. It is however necessary to make an assessment in the context of the planning unit, and there is little evidence to demonstrate that the additional caravans, and even though on a recreational

¹ Council Ref 22/01223/LDE

² Officer Delegated Report 29/02/2024

area, would result in a material change in the definable character of the use of the appeal site from that of a caravan site.

14. Other factors such as an increase in traffic movements, the transportation of the caravans themselves and the potential for increased noise and disturbance are not demonstrative of a material change of use in the context of the planning unit. This is because there is only evidence of limited as opposed material increases. That the site is within the Green Belt, being a spatial designation, is then of little relevance to my assessment. Accordingly, the use of the appeal site would remain that of a caravan site.
15. I also appreciate that the caravans would very likely be used for permanent as opposed holiday accommodation as they would be stationed beyond the area of the 2014 planning permission. However, there is very limited evidence that the effects of permanent occupation would be materially different from what has been permitted at the remainder of the site and how it appeared during my site visit with individual driveways, amenity areas and sheds. Accordingly, the land use in planning terms is the same, albeit the 2014 planning permission is a conditional use.
16. As a matter of fact and degree the appellant has therefore demonstrated their case on the balance of probabilities. Any future intentions of the appellant, should there be any, are not matters for my assessment.

Conclusion

17. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

Formal Decision

18. The appeal is allowed and attached to this decision is a certificate of lawful use describing the proposed use which is considered to be lawful.

Paul T Hocking

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr M Rudd, Counsel for the Appellant

They called: Mr B Eiser, Agent

FOR THE LOCAL PLANNING AUTHORITY:

Dr L Lane, Counsel for the LPA

They called: Mr N Whittaker, Planning Associate Ivy Legal

DOCUMENTS:

1. Opening Statement on behalf of the Appellant
2. Opening Statement on behalf of the LPA
3. Closing Submissions on behalf of the LPA
4. Copy of *Burdle & Williams v SSE & New Forest DC* [1972] 1 WLR 1207
5. Closing Statement on behalf of the Appellant



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 22 January 2025 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The appellant has demonstrated their case for lawfulness on the balance of probabilities in respect of the proposal described in the First Schedule.

Signed

Paul T Hocking

Inspector

Date: 31 December 2025

Reference: APP/H2265/X/25/3369278

First Schedule

Use of land as a caravan site together with amenity and ancillary areas and an additional six caravans shown cross hatched on the proposed plan (a total of 38 caravans).

Second Schedule

Land at Four Seasons Park, Labour In Vain Road, Wrotham, Sevenoaks, Kent TN15 7PA

NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, was not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.



Plan

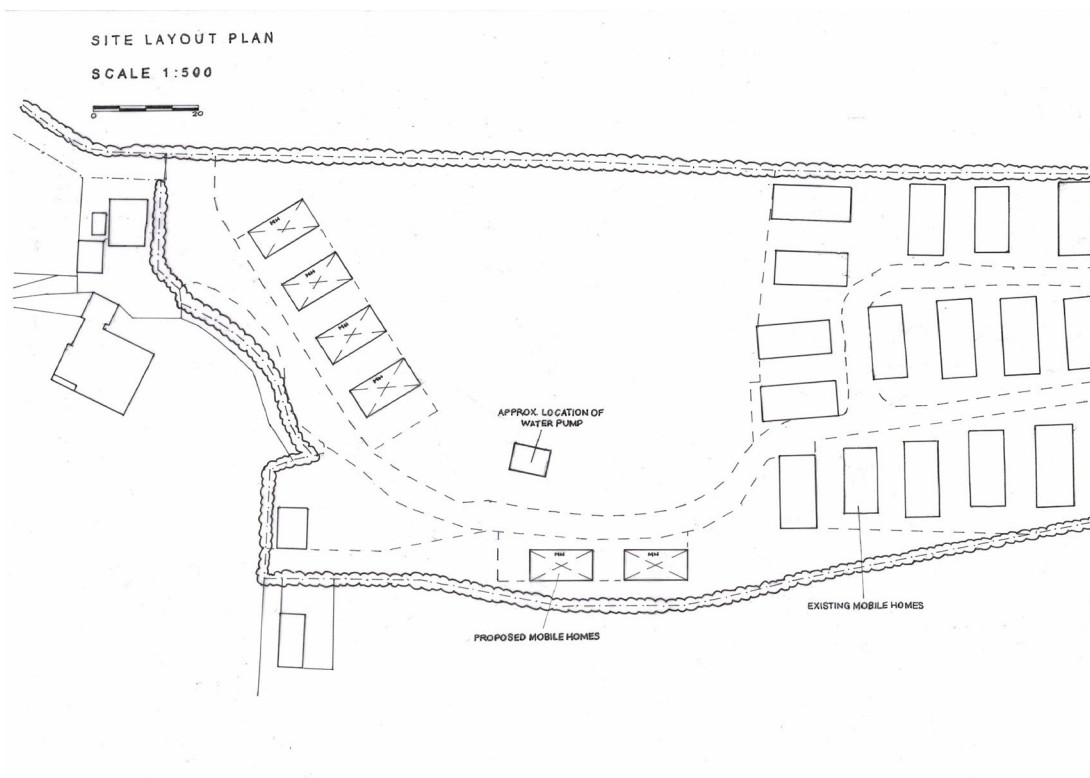
This is the First Schedule plan referred to in the Lawful Development Certificate dated: 31 December 2025

by **Paul T Hocking BA MSc MRTPI**

**Land at Four Seasons Park, Labour In Vain Road, Wrotham, Sevenoaks, Kent
TN15 7PA**

Reference: APP/H2265/X/25/3369278

Scale: DO NOT SCALE



Plan

This is the Second Schedule plan referred to in the Lawful Development Certificate dated:
31 December 2025

by Paul T Hocking BA MSc MRTPI

**Land at Four Seasons Park, Labour In Vain Road, Wrotham, Sevenoaks, Kent
TN15 7PA**

Reference: APP/H2265/X/25/3369278

Scale: DO NOT SCALE

