



Appeal Decision

Site visit made on 5 January 2026

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH JP
an Inspector appointed by the Secretary of State

Decision date: 27 January 2026

Appeal Ref: APP/G2245/C/24/3338158

Maplebank Poultry Farm, Maplescombe Lane, Farningham DA4 0JY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Darren Kitchenham (HSP Site Supplies Ltd) against an enforcement notice issued by Sevenoaks District Council.
 - The enforcement notice was issued on 25 January 2024.
 - The breach of planning control as alleged in the notice is:
Without planning permission the operational development of the erection of a single-storey building (shown hatched in black on the plan attached to the notice).
 - The requirements of the notice are to:
 - i. Demolish the building (shown as the hatched black area on the site plan that accompanies this notice) in its entirety.
 - ii. Remove from the land all resultant materials originating from step i) above.
 - The period for compliance with the requirements is 2 months.
 - The appeal is proceeding on the ground set out in section 174(2) (f) of the Town and Country Planning Act 1990 as amended (the Act).
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Decision

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

Reasons

2. The appeal is made on ground (f) alone. For an appeal to succeed on this ground, I must be satisfied on the balance of probabilities that the requirements of the notice exceed what is necessary in achieving its purpose.
3. It is clear from the way the notice is drafted that its purpose¹ is to remedy the breach of planning control by requiring demolition of the unauthorised building and the removal of resultant materials, thereby restoring the land to its condition before the breach took place. Such requirements are entirely legitimate, reasonable, and quite standard for a breach of this type.
4. The appellant says that the notice requirements should include the re-instatement of a former ("somewhat dilapidated") agricultural building that had previously existed upon the land. However, the allegation in section 3 of the notice does not include the demolition/removal of the earlier structure as part of the breach of planning control. Accordingly, as the removal of the previous building took place before (and is separate to) the breach of planning control to be remedied by the notice, the requirements in my view correctly concern themselves with the restoration of the condition of the (cleared) land before the erection of the new building constituting the breach.

¹ As confirmed by the Council

5. Therefore, on the balance of probabilities, I do not find that the notice requirements are excessive. Indeed, to require anything further – such as the building operations associated with recreation of the former building – would be excessive, being over and above what is necessary to remedy the breach of planning control. Accordingly, ground (f) does not succeed.

Conclusion

6. For the reasons given above, I conclude that the appeal should not succeed and I uphold the enforcement notice.

Andrew Walker

INSPECTOR