



Appeal Decision

Hearing held on 3 February 2026

Site visit made on 3 February 2026

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2026

Appeal Ref: APP/C1435/C/25/3374584

Land at Eyres Barn, Duddleswell, Maresfield, East Sussex

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Ms Carole Wadkin against an enforcement notice issued by Wealden District Council.
 - The notice was issued on 19 September 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission, material change of use of the Land from storage to a mixed use for storage and for the stationing of a camper van for residential purposes.
 - The requirements of the notice are:
 - i) Stop using the land for the stationing of a camper van for residential purposes.
 - ii) Disconnect any/all services connected to the camper van, and remove the camper van from the Land.
 - iii) Remove all residential and domestic furniture, fixtures and fittings, including all personal chattels and effects associated with the said unauthorised use, from the Land.
 - iv) Remove all materials, rubble, rubbish, debris, tools and equipment arising from compliance with the above requirements from the Land.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(b), (c) of the Town and Country Planning Act 1990 (as amended).
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Decision

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

Preliminary Matters

2. At the Hearing, the appellant confirmed that she is no longer residing within the camper van on the site but is now residing in the prefabricated building (prefab) since November 2025. However, as the appeal has been made under “legal grounds” only I am required to consider the appeal on the date that the enforcement notice was served.
3. There is no appeal under ground (a), and thus no deemed planning application for planning permission. During the Hearing, the personal circumstances of the appellant were raised. However, these are not relevant to the legal grounds of appeal pleaded, which are to be determined on the facts of the case.

The Appeal on Ground (b)

4. To succeed on this ground, the onus is upon the appellant to demonstrate on the balance of probabilities that the allegation has not occurred as a matter of fact. The Notice relates to the material change of use of the land from storage to a

mixed use for storage and for the stationing of a camper van for residential purposes.

5. In relation to the storage element of the mixed use, the appellant agreed during the Hearing that this part is not in dispute. Indeed, the storage use is referred multiple times in the submitted documentary evidence. The Planning Contravention Notice (PCN) response from the appellant, received by the Council on 14 April 2025, states that at that time, the existing use of the prefab was “storage while undergoing refurbishment works”.
6. In addition, the appellant and her current agent, submitted a planning application, dated 5 May 2023 for the “replacement of asbestos prefab with a two-bedroom bungalow (the 2023 application). The application was refused on 7 December 2023 and subsequently dismissed at appeal on 26 November 2024¹. Under section 14 of that application form, the appellant described the existing use of the site as “domestic storage and garden land”. Furthermore, the Planning Statement, submitted with the application form stated that “*The prefab has been used as domestic storage by its previous owners, who lived at Moorside Cottage.*”
7. The above responses and statements about the existing storage use of the appeal site do not suggest any ambiguity at the time, and Mr Johnstone who submitted the 2023 application would have been aware of the need to provide honest and factually correct information when submitting the application and supporting documents to the Council for approval.
8. There is also no dispute that the land previously fell within the ownership of Fern Cottage adjoining the site. Planning permission was originally granted on the 11 June 1964 for the erection of a sectional steel framed building on brick and concrete base (the 1964 permission²). The approved use was for the: “1) storage of tables and chairs in connection with tea garden business; and 2) storage of private garden implements ancillary to residential use”. At the time of this permission ‘Fern Cottage’ was in use as a dwellinghouse, a Post Office Stores and tea garden. The plans submitted with this permission show a steel framed sectional building of much the same design and location as the current steel framed building on site.
9. Ms Wadkin’s letter dated 10 April 2025, in response to the PCN, further states that permission was granted in 1964 for a prefab to be used as storage. As such, based on all of the above, the storage use has occurred as matter of fact, when the Notice was served.
10. In relation to the element of the allegation relating to ‘the stationing of a camper van for residential purposes’ the appellant states that this was only temporary whilst they were refurbishing the prefab. Nevertheless, the appellant’s response to the PCN under question 4 (g) confirms that the stationing of a residentially occupied camper van had occurred.
11. The letter from the appellant dated 10 April 2025, in response to the PCN also confirms that she was staying on the property whilst the refurbishment of the prefab was taking place. During the Hearing, Ms Wadkin explained that she, and her partner were residing within the camper van from May 2024 until November

¹ Appeal ref: APP/C1435/W/24/3338417.

² Council ref: T/64/577.

2025 whilst the prefab was being renovated for them to live in. The camper van was their only home whilst the renovation of the prefab was taking place. Indeed, a letter from the Valuation Office Agency dated 20 October 2025 confirms that the caravan, at Eyres Barn, Duddleswell Road, is registered for Council tax payments with the effective date of alteration back dated to 1 July 2024.

12. Therefore, based on all the above, the matters as alleged by the Notice, have occurred as a matter of fact. Accordingly, the appeal on ground (b) must fail.

The Appeal on Ground (c)

13. Ground (c) arises where an appellant seeks to argue that the matters alleged by the enforcement notice do not constitute a breach of planning control. Like ground (b) the onus of proof lies with the appellant, the relevant test of the evidence being the balance of probability.
14. The concept of material change of use is not defined in statute or statutory instrument and therefore it is a question of fact and degree in each case. For there to be a material change of use, there needs to be some significant difference in the character of the activities from what has gone on previously.
15. Ms Wadkin accepts that both the domestic storage use and occupation of the camper van by her and her partner had occurred when the Notice was served. However, they state that the residential occupation of the camper van was temporary whilst they refurbished the prefab storage building for residential use and therefore, they consider that there has been no breach of planning control.
16. As outlined under the ground (b) appeal, the submitted written evidence indicates that the site was previously used for purposes of domestic storage, firstly when it was part of the garden land of Fern Cottage (following the 1964 permission), and more recently used a domestic storage by its previous owners who lived at Moorside Cottage³. In between this time, Mr Piggot stated during the Hearing that the building was let for storage from the mid-70s to mid-90s. Whilst this was not supported by any documentary evidence in the form of tenancy/letting agreements I have no reason to doubt his claims. As such, as a matter of fact and degree, and based on all of the evidence submitted, including the appellant's response to the PCN and their earlier statements made in the 2023 application, it appears that that the lawful use is domestic storage.
17. Following Ms Wadkin's acquisition of the site she submitted the 2023 application which was refused by the Council and subsequently dismissed at Appeal. During the Hearing she confirmed that she and her partner resided within the camper van stationed on the appeal site from May 2024 until November 2025, whilst they refurbished the prefab for them to live in. During this 18-month period this was their only home whilst the renovation of the prefab was taking place.
18. The appellant considers that the land the camper van is stationed on is residential garden land. I appreciate that the previous owners of the site, who also owned the neighbouring residential properties of Fern Cottage and Moorside Cottage respectively may have been using the land surrounding the prefab as a garden, for growing plants and maintaining a lawn, but that was ancillary or incidental to those primary residential neighbouring dwellings. However, the appeal site is now under

³ Planning Statement submitted with the 2023 application.

- separate ownership and is no longer used in connection with these neighbouring residential properties and gardens.
19. The introduction of the camper van which was being occupied independently by the appellant and her partner on a separate area of land, physically and functionally independent from these neighbouring residential properties has substantially affected the character and appearance of the appeal site and has introduced an additional primary use onto the site. On the appellant's own account, they resided within the camper van at the appeal site for some 18 months, which was there only permanent residence at this time. The stationing of the camper van for independent residential occupation has gone beyond the scope of what could reasonably be considered as being incidental or ancillary activities to the previous domestic storage use on the appeal site and has involved another primary use within the same planning unit, which requires planning permission.
 20. The appellant contends that the Council accepted the residential status of the prefab by determining the 2023 planning application, without requesting a change in the application description to specifically include the words: 'change of use'. They further state that together with the registration of the camper van for Council Tax creates an Estoppel and thus no breach of planning control could have taken place.
 21. The refused 2023 application sought consent for *"the replacement of asbestos prefab with a two-bedroom bungalow"*. This description is clear and unambiguous in so far as it is seeking planning permission for a new bungalow which is a residential use. In response to section 14 of the planning application form which asks, 'please describe the current use of the site' the appellant stated it was used for *"Domestic storage and garden land"*. In addition, the Planning Statement, submitted with the application form stated that *"The prefab has been used as domestic storage by its previous owners, who lived at Moorside Cottage."* Mr Johnstone, the current agent, submitted the 2023 application. It was on the basis of the information that was submitted, that the Council refused the 2023 planning application, which was also dismissed at appeal.
 22. Indeed, it is clear that the Inspector also determined the appeal on the basis of the information provided by the appellant. In particular, paragraph 24 of the Inspector's decision states that *"It appears that the building was previously used as storage for the nearby tea rooms although is currently being used to store items unconnected with that property"*. Therefore, I do not agree that the Council have accepted the residential use of the building when they determined and refused the 2023 application.
 23. Furthermore, the payment of Council Tax, is a completely separate matter to obtaining planning permission for a change of use. Indeed, no substantive evidence nor authority has been advanced to support the appellant's contention that the payment of Council Tax and the Council's refusal for a new bungalow in the 2023 application creates an Estoppel.
 24. I therefore conclude, as a matter of fact and degree, that a material change of use of the land has occurred from storage to a mixed use for storage and for the stationing of a camper van for residential purposes. Planning permission is required for such a change of use and there is none in place. Furthermore, the change of use is not permitted development. As such, there has been a breach of planning

control, and the appellant has not discharged the onus on them to demonstrate otherwise.

25. Accordingly, the appeal fails on ground (c).

Conclusion

26. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

R Satheesan

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Roddie Johnstone, Johnstone Property and Development Consultants

Ms Carole Wadkin, Appellant

Malcolm Patterson, Co-occupier of the camper van and appeal site

Dave Piggott, rented the storage building from approximately mid -1970s to mid-1990s

FOR THE LOCAL PLANNING AUTHORITY:

Niall Mileman, Senior Enforcement Officer, Wealden District Council

INTERESTED PARTIES:

Frank Emerson, Neighbouring resident

Lynn Gadsen, Neighbouring resident

Michael Gadsen, Neighbouring resident

Karen Hope, Neighbouring resident