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## Appeal Decision

Accompanied site visit made on 5 February 2026

**by Nick Fagan BSc (Hons), DipTP, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 February 2026

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**Appeal Ref: APP/C1435/C/24/3343943**

**The Walled Garden Farm, Holtye Road, Hammerwood, Forest Row, East Sussex RH19 3QE**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
  - The appeal is made by Mr R Bradstock against an enforcement notice issued by Wealden District Council.
  - The notice was issued on 4 April 2024.
  - The breach of planning control as alleged in the notice is: 'Without planning permission, change of use of the Land from agriculture, the stationing of a caravan for residential purposes and the storage of commercial forestry vehicles, plant, machinery and equipment.'
  - The requirements of the notice are to:
    - (i) Stop using the Land for the stationing of a caravan for residential purposes.
    - (ii) Stop using the Land for the storage of commercial forestry vehicles, plant, machinery and equipment.
    - (iii) Remove the caravan from the Land.
    - (iv) Remove from the Land all domestic and residential goods, chattels and paraphernalia associated with the residential use of the Land.
    - (v) Remove from the Land all commercial vehicles, plant, machinery and equipment associated with the commercial forestry use of the Land.
    - (vi) Remove from the Land all materials, tools, equipment, rubble, rubbish and debris arising from compliance with the above requirements.
  - The period for compliance with the requirements is: six months after the notice takes effect.
  - The appeal is proceeding on the grounds set out in section 174(2)(c), (d), (f), & (g) of the Town and Country Planning Act 1990 (the Act, as amended).
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### Decision

1. It is directed that the enforcement notice is corrected/varied by:
  - Altering the allegation to now read: 'Without planning permission, the material change of use of the Land from agriculture....'etc [underlined words added in].
  - Altering requirement (v) to now read: 'Remove from the Land all ~~commercial~~ vehicles, plant, machinery and equipment other than that associated with the use of the Land for agriculture or forestry' [strike-through word deleted and underlined words added in].
2. Subject to these corrections/variations, the appeal is dismissed and the enforcement notice is upheld.

### The Notice

3. What the Council obviously mean by the allegation is the material change of use of the Land from agriculture to the mixed use as described, since this is what

constitutes development requiring planning permission. I have altered the allegation accordingly as set out above.

4. Given that the lawful original use of the Land is for agriculture (which encompasses forestry) it is clear that what requirement (v) seeks is the removal of all vehicles, plant, machinery and equipment other than that required for such lawful use of the Land itself, as opposed to that which the appellant uses for his business/activities at other sites. My above alteration makes this clear. Consequently, the notice is clearly not a nullity and can be corrected/varied without any injustice to the appellant, as per s176(1) of the Act.

## Background

5. The appeal site comprises the land owned by the appellant attacked by the notice, an area of 0.7Ha (as set out in previous application forms in 2021). The former walled garden of Hammerwood Park house, the Grade I listed building which lies to the south, is included within the appellant's land and the timber-clad caravan where he lives with his wife/partner is situated in the northeastern corner of the walled garden itself.
6. A virtual Hearing was held on 12 October 2023 into two previous planning appeals lodged by the appellant, following the Council's refusal of planning permission of two separate planning applications submitted in 2021. The first was for the removal of the existing static caravan and introduction of three temporary (for 3 years) structures to be used as sleeping accommodation, daytime accommodation and teaching space respectively.<sup>1</sup> The second was for the erection of a 25m wide by 10m deep by 4.95m high agricultural barn immediately to the east of the walled garden.<sup>2</sup> Both appeals were dismissed on 6 December 2023.

## Reasons

### *Ground (c)*

7. Ground (c) is that the matters stated in the notice do not constitute a breach of planning control.
8. The appellant's reasons relating to this ground appear to relate to his contention that the or a caravan on the Land has been residentially occupied for more than 10 years prior to the issue of the notice and is therefore immune from enforcement action. However, that argument relates to ground (d), which I address below. There is no other argument from the appellant that the siting of a residential caravan on the Land does not require planning permission or that permission has been granted. Such development constitutes a material change of use which requires planning permission and no such permission has been granted.
9. In relation to the alleged storage of commercial forestry vehicles, plant, machinery and equipment (which I henceforth refer to simply as equipment), the appellant argues that all such equipment on the Land relates solely to non-commercial on-site agriculture or forestry, and so no planning permission for such is required.
10. But the appellant told the previous Inspector at the Hearing on 12 October 2023 that his business activities include maintenance and other forestry jobs in the local

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<sup>1</sup> APP/C1435/W/22/3307015

<sup>2</sup> APP/C1435/W/22/3307016

area.<sup>3</sup> He also confirmed to me at the site visit that this was indeed the case. For instance, the long blue trailer currently stored immediately to the west of the western wall of the walled garden, which he confirmed to me was used to transport various vehicles and equipment off-site to conduct such jobs. It is unclear precisely which trailers (apart from this one), and other equipment, are used for such off-site jobs. Only the appellant knows this. But it is clear that at least some of the mass of equipment on site, including this trailer, is used solely or predominantly for off-site work. Its storage on the Land is therefore commercial storage related to the appellant's forestry and maintenance business/activities elsewhere, which constitutes a material change of use requiring planning permission, and for which no such permission has been granted.

11. It is apposite to note that much of the equipment and piles of material stored on the site has clearly lain there unused for some time. Indeed, the appellant confirmed at the site visit that some of it was already there when he acquired the Land. The overall mass of equipment and material includes redundant or unused vehicles, trailers, at least one generator, stacks of bricks, timber, rolls of metal fencing, and stacks of metal gates. Some of this material, including the new metal gates and rolls of fencing is clearly useable on the land as no doubt is some of the timber, but much of it, including numerous piles of old tyres, is clearly rubbish or redundant vehicles parts, tools or equipment, or piles of rubble or other debris.
12. Requirement (vi) of the notice rightly requires all of this rubbish and redundant material to be cleared from the site. The fact that the appellant chooses to hoard such material, including no doubt so he can cannibalise some of it to repair functioning tools and equipment, does not obviate the need for him to do so because it clutters up the Land, which is part of Hammerwood Park, a Grade II listed park and garden and which adversely affects its significance as explained in the reasons for issuing the notice.
13. I acknowledge the third party's citing (in his statement) of paragraph 24 of appeal 3307015, where the previous Inspector states: *'At the hearing it was agreed that although the existing caravan was being used for residential occupation, and that an application could be used for its retention, it was not considered to be lawful. In this regard I do not consider that the retention of the existing structure provides any valid fallback for the appellant.'* There is no ground (a) appeal from the appellant in this appeal.
14. Consequently, for all these reasons, the appeal on ground (c) fails.

#### *Ground (d)*

15. Ground (d) is that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters.
16. The appellant appears to argue that he has continuously lived in a caravan on the site for at least 10 years. He supports this argument with several signed statements from various friends, relatives and associates. However, whilst many of these statements refer to Mr Bradstock living in a caravan on the site, they are generally vague on the details of such and exactly when it occurred, where the

<sup>3</sup> As set out in paras 10 & 11 of appeal decision 3307015, and para 9 of 3307016, *ibid*, and in the appellant's appeal statements in respect of those appeals.

caravan was situated, and whether it was the same caravan as the one currently on the site.

17. For instance, his father, Alan Bradstock, states: *'I am aware of caravan [sic] on land from Summer 2012 when visiting him following breakdown of his relationship with his partner, which is when he started living on-site permanently'*. This statement says nothing about where any such caravan was situated on the site and does not even say that the appellant has lived in it, merely that *'he started living on-site permanently'*. The statement from Dave Biggs states: *'The caravan has been in the Walled Graden for more than 10 years from memory and Rob lived on-site since the caravan arrived'*. Again, this statement does not even confirm that the appellant has actually lived in the caravan situated in the walled garden.
18. The statements vary considerably in the dates they allege the caravan was brought onto the site and are carefully hedged with phrases such as *'from memory'*, *'can't be sure'* and the like. None of them are sworn affidavits or declarations. None of them categorically state exactly when the caravan now situated in the walled garden was installed there and none of them state exactly when the appellant started living in it, nor whether he has lived in it continuously for at least a period of 10 years. As such, I attach little weight to them.
19. The Council, in its appeal statement and appendices, has produced considerable evidence to contradict the appellant's assertion that he has lived in a caravan on the Land for 10 continuous years prior to the issuing of the notice on 4 April 2024.
20. The email from the complainant on 16 March 2015, although it does not actually say exactly when the mobile home was brought onto the site, states: *'..and now the mobile home'*, which suggests to me that this occurred just before this email was sent. It also says that Mr Bradstock *'lives in Woldingham somewhere...'*, which turned out to be correct because the Council wrote to him on 31 March 2015 at his address in Woldingham as set out on the Land Registry title( which states that he had purchased the land on 16 December 2011), and to which he responded by telephoning the Council on 8 April 2015. Mr Bradstock made clear in that phone call that the mobile home was only used in connection with forestry and land management. 8 April 2015 is in any case less than 10 years back from 4 April 2024.<sup>4</sup>
21. Appendix 5 of the Council's appeal statement contains a file note dated 29 September 2017 of a site visit made by Council officers the previous day, together with photographs showing a caravan located in the same place as the caravan on site now is: the northeastern corner of the walled garden. The note and internal photos of the caravan documents that it was used for storage of tools and fencing equipment and showed no signs of residential occupation. The Council was persuaded that there was no breach of planning control; consequently, it could not have taken any enforcement action.
22. Appendix 6 of the Council's statement contains a file note and more photos documenting another site visit by Council officers on 19 May 2021, following a further complaint regarding the change of use of the walled garden to a general storage area. The note details no significant change since 2017, except for the fact (as shown on one of the photos) that the caravan had been clad in timber.

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<sup>4</sup> Evidence all contained in Appendix 4 of the Council's appeal statement dated 24 September 2024

23. Another visit to the site on 28 September 2022, as set out in a note contained in Appendix 7 of the Council's statement, refers to the appellant advising Council officers *'that whilst overnight stays had occurred there especially during lambing season, he was not living in the caravan.'*
24. Based on the above evidence, I am satisfied that the appellant has not permanently inhabited the caravan (the mobile home) he now inhabits for a continuous period of 10 years, nor was he inhabiting any other caravan on the site in the 10-year period prior to the notice being issued. It appears most likely that it was not brought onto the site until late 2014 or early 2015, when Mr Bradstock was still living in Woldingham. This appears to be confirmed by the aerial photographs in Appendix 8 of the Council's statement: the first photo which possibly shows a caravan in the northeastern corner of the walled garden is the one dated 26 September 2018. This is confirmed by the third party's aerial photo evidence, which also shows September 2018 as the first image when there appears to be a structure, probably a caravan, in this location<sup>5</sup>.
25. More fundamentally, neither the aerial images provided by the Council dated 6 June 2013 or 26 July 2014, nor the same image of 6 June 2013 provided by the third party, shows any caravan or indeed any equipment on the Land. Consequently, I conclude not only that Mr Bradstock has not lived in a or the caravan on the site for 10 years prior to the issue of the notice, but also that all the equipment and rubbish currently stored on the Land has not been there for 10 years prior to the issuing of the notice.
26. Purely in relation to the caravan and whether the appellant has been inhabiting it, his appeal statement in paragraphs 4.58-4.64 in any case owns up to deliberate concealment or positive deception. The Supreme Court in *Welwyn Hatfield*<sup>6</sup> confirmed the public policy principle that no one should benefit from their own wrongdoing, notwithstanding the complete statutory code in the 1990 Town & Country Planning Act including the time limits for enforcement action set out in Section 171B.
27. The deliberate concealment or positive deception in this case is, by the appellant's own admission in the above paragraphs of his statement, a deliberate concealment of the fact that, contrary to what he said to the Council officer in his email of 28 November 2022 (i.e. using the caravan for woodworking as shown on the photo attached to that email), he was actually using the sofa bed also shown in that photo for sleeping in every night. Because there has, by the appellant's own admission, being deception of the fact that the caravan was being lived in at the time, the 10-year time limit in s171B is irrelevant – there is, consequently, no immunity period for taking enforcement action against the residential use of the caravan.
28. In summary, a 10-year continuous use for the unauthorised use alleged in the notice (both the residential use of the caravan and the storage of commercial forestry vehicles, plant, machinery and equipment) has not been evidenced by the appellant on the balance of probabilities. Even it had been, his deliberate concealment of the residential use of the caravan amounts to positive deception,

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<sup>5</sup> Exhibit DJP3 attached to the Statement of David John Pinnegar, the owner of Hammerwood Park and the major part of the access road servicing the village

<sup>6</sup> *Welwyn Hatfield BC v SSCLG & Beesley* [2011] OKSC 15

and so there is no time limit for the bringing of any enforcement action by the Council.

29. In any case, his positive deception would have – even without the legal principle established by *Welwyn Hatfield* – got him nowhere because the photo in his Appendix Q only dates to 28 November 2022, nowhere near the 10 years required to establish immunity from enforcement action for this unauthorised residential use.
30. In his final comments (Rebuttal Statement of October 2024) the appellant raises a completely new issue that was not even mentioned in his original appeal statement, and so, under the Regulations<sup>7</sup>, I am under no obligation to consider it. Comments in the final comments stage of written representations appeals can only be made on the other party's initial statements – they cannot be used to introduce brand new issues such as this, as per Regulation 7(7). However, I address this new issue below for the sake of completeness, giving the appellant the benefit of the doubt.
31. In paragraph 3.7 of his Rebuttal Statement, he cites an appeal decision in Lancaster<sup>8</sup> that he goes on to discuss in subsequent paragraphs (up to 3.20). He suggests, by reference to that appeal decision, that the caravan/mobile in this case is akin to the one in that appeal in that it is a building, because it meets the three relevant tests of size, permanence and physical attachment. At 3.14 he refers to '*Plan No 103 (attached)*' and says that the building is large enough to be used as a dwellinghouse. That Plan is not attached to the Rebuttal Statement. At 3.15 he says the '*building*' has been in place for 7 years. At 3.17 he says: '*the building no longer has a drawbar, wheels, and is attached to the land with blockwork and cement.*' He then goes on to essentially allege that since the '*building*' has been occupied for more than 4 years, it is immune from enforcement action.
32. However, nowhere in this Statement or anywhere else in his documentation has the appellant explained or evidenced what exact works have taken place to this mobile caravan to make it into a building or when those works have taken place. It is insufficient to merely quote passages from that 2021 appeal decision without explaining in any way how the caravan in that case – which had become a building because the chassis which formed the caravan base is cemented to some of the walls that form the bathroom – is akin to the caravan in this appeal. The appellant states in his paragraph 3.16: '*The building subject to this Appeal would therefore correspond with the findings of the Appeal Inspector in the determination of 3241296.*' But he provides no information or evidence whatsoever to explain the alleged similarity between the caravan in that appeal and the caravan under consideration in this appeal.
33. So, even if I was to specifically address this brand-new issue raised by the appellant, which I am not obliged to do, no information has been submitted to convince me, on the balance of probabilities, that the caravan has become a building.
34. Even if the caravan here has been turned into a building, and even if that were at least four years back from when the notice was issued, it appears that it has not been occupied as a residence for at least 4 years. And, even if it has been, the

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<sup>7</sup> The Town and Country Planning (Enforcement) (Written Representations Procedure) (England) Regulations 2002, specifically s7.

<sup>8</sup> APP/U2370/C/19/3241296, allowed 14 June 2021

appellant's positive deception/deliberate concealment contrary to the principle established by *Welwyn Hatfield* means that the breach is not immune from the current enforcement action.

35. For all the above reasons, the appeal on ground (d) fails.

*Ground (f)*

36. Ground (f) is that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters.
37. The breach of planning control is clear, as explained above. The appeal refusals noted above on 6 December 2023 respectively concluded that the appellant's operations do not warrant the residential occupation of the Land and that a barn of the size proposed was not necessary to support the holding on the Land nor the appellant's rural enterprise. The previous Inspector also queried whether all the equipment on site related to the operation taking place on the site.
38. The appellant argues that requirement (v) is unclear because he has no idea which equipment he has to remove from the Land. I acknowledge this requirement could be clearer, which is why I have altered it as set out above. The Council's Tree & Landscape Officer, as set out by his email in Appendix 9 of the Council's statement, makes clear that to undertake the small scale on-site woodland management operation the only equipment necessary are: hand tools, a small to medium sized tractor and trailer for extraction of felled timber (with the possibility of an articulated grab for loading) and a towed brushwood chipper. There is far in excess of that on the Land currently.
39. Anyway, the appellant knows what he uses to maintain the site as opposed to what he needs for any of his business activities off-site. If he requires specific equipment to maintain his Land, no doubt he will be able to justify that to the Council, who, if satisfied, will allow him to keep it on-site. Otherwise, requirement (v) as it is now amended, is reasonable and necessary to stop the alleged breach of commercial storage.
40. Consequently, the appeal on ground (f) is bound to fail.

*Ground (g)*

41. Ground (g) is that any period for compliance specified in the notice falls short of what should reasonably be allowed.
42. The appellant requests 12 rather than 6 months to comply because: there is only him and his wife to move the caravan and equipment; the caravan (which no longer has wheels or a draw bar) will need to be moved by a telescopic lifting vehicle driven by a trained operator, which will take time to find, especially given the wetness of the land due to all the recent heavy rain. He also maintains that it will be difficult for him and his wife to find a house they can afford in the local area and that this could take some time.
43. I acknowledge all of that but given the previous appeal decisions I am surprised that the appellant has not already started to look for a nearby property to move into, given that the Council was never realistically likely to grant planning

permission for the current unauthorised use, for all the reasons stated by the previous Inspector.

44. It would also appear that he and his wife have many local friends and associates that they could call on to help them move house and move all the equipment off the site that is not necessary for its maintenance and agricultural/forestry operation. It would therefore seem that 6 months would be a reasonable period of time in order to comply with the notice. 6 months also gives a reasonable period, including the spring and summer, for the land to dry out from all this winter's rain; if I was to allow 12 months for compliance, the ground could easily become waterlogged again. The Council could of course allow a slightly longer period, for instance if it found that it took the site longer to dry out from all the recent rain.
45. The appeal on ground (g) therefore fails.

### **Conclusion**

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

*Nick Fagan*

INSPECTOR