



Appeal Decision

Site visit made on 14 March 2026

by **A U Ghafoor BSc (Hons) MA MRTPI FCMi fCMgr**

an Inspector appointed by the Secretary of State

Decision date: 9 April 2026

Appeal Ref: APP/J2210/C/24/3343204

Land on the northwest side of Swanton Lane, Sturry, Canterbury CT3 4AX

- 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 "Act").
 - The appeal is made by Mr Grant Hodgeson against an enforcement notice issued by the Canterbury City Council.
 - The enforcement notice was issued on 28 March 2024.
 - The breach of planning control as alleged is the use of the land for the storage of caravan(s).
 - The requirements of the enforcement notice are to permanently remove all caravan(s).
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (b) and (a) of the Act.
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Decision

1. The enforcement notice is quashed.

Preliminary matter

2. The Council contends that the appellant did not have sufficient legal standing to pursue a valid appeal against the issued notice at the time at which they submitted the appeal. They refer to an official land registry transfer document. However, the agent explains the personal circumstances surrounding the transfer as well as the extended family links between the registered owners and the appellant. It appears to me that, at the time of making the appeal, the appellant held a legal interest in the land to which the notice relates and was a relevant occupier.
3. The appeal against the notice was submitted on 25 April 2024. Only ground (a) was selected in the appeal form. In October 2025, there was a review of the documents and grounds of appeal. The Planning Inspectorate informed the appeal parties of a hidden ground (b) appeal as the appellant's agent was questioning the validity of the notice based on the perceived inaccurate description of the alleged breach of planning controls. The case officer contacted the appeal parties inviting comment on what is commonly known as a 'hidden' ground of appeal. Where there is a hidden ground of appeal and the written submissions do not sufficiently cover the hidden grounds, the Council is usually asked to comment in the interest of natural justice. That was the circumstances here. Since the appeal parties have been given an opportunity to make representations on the hidden ground of appeal, I will introduce ground (b).

Ground (b)

4. The site is part of a residential caravan site. Caravans are stationed on the land, but these appear to be in residential use. The appellant refers to the creation of residential gardens, fences, parking spaces and landscaping during the period leading up to the issue of the notice. Various compounds have been created given the location of hardstanding. Moreover, all the ground (a) merits arguments seem to be based on the residential use of the caravans at the time when the notice was issued.

5. The notice alleges the following: *Without planning permission, the use of the Land for the storage of caravan(s)*. The use of “(s)” renders the allegation imprecise because it is unclear if the storage allegation relates to multiple caravans or a single structure. The evidence suggests several mobile homes or caravans in residential use existed at the date of issue. There may have been changes on the ground since the appeal has been made. Nonetheless, the quantum of evidence presented indicates to me that mobile homes or caravans were stationed on the land for primary residential purposes and not for storage purposes.
6. Additionally, there is some confusion about the steps required by the notice. They simply state the following: *permanently remove all caravan(s) from the land*. The use of the word “permanently” is unnecessary because compliance with the notice’s requirements does not discharge it. Nonetheless, the notice does not require the cessation of the unauthorised storage use, and it is unclear which mobile home or caravan(s) need to be removed.
7. I have the power to correct or vary the notice only if such a correction does not cause injustice to any party. To me, the issued notice has caused significant confusion as it is fundamentally flawed. This is because it incorrectly targets the storage of caravan(s) yet the evidence suggests the latter were stationed on the land for residential purposes. The notice, as issued, requires wholesale rewriting in terms of the allegation and steps required. Moreover, the appellant’s case is predicated on the basis that a residential caravan site has been created for which planning permission should be granted given the traveller status of the occupants. I am satisfied that such a wholesale rewrite of the notice would cause injustice to the appeal parties who may have wanted to differently present their cases and select other grounds of appeal.

Conclusions

8. Drawing all the above points together, and having considered all other matters raised, I conclude that the notice does not specify with sufficient clarity the alleged breach of planning control and the steps required for compliance. It is not open to me to correct the error in accordance with my powers under s176(1)(a) of the Act since injustice would be caused were I to do so. The notice is invalid and is quashed.
9. In these circumstances, the appeal on the grounds set out in section 174(2)(a) of the Act and the application for planning permission deemed to have been made under section 177(5) of the Act does not fall to be considered. For completeness, I draw attention to the second-bite provisions.

A U Ghafoor

INSPECTOR