



Appeal Decision

Hearing held on 17 March 2026

Site visit made on 17 March 2026

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2026

Appeal Ref: APP/B1415/X/25/3375929

Spindlewood Country Holiday Park, Rock Lane, Hastings TN35 4JN

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Hastings Holidays Parks Ltd against the decision of Hastings Borough Council.
 - The application ref HS/PR/25/00380, dated 30 June 2025, was refused by notice dated 21 October 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 or development is sought is for the use of land as a caravan site for the siting of static caravans for use as a main place of residence between 1st March and 30th November in each year.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. At the Hearing, an application for costs was made by Hastings Holidays Parks Ltd against Hastings Borough Council. This application will be the subject of a separate Decision.

Preliminary Matters

3. In an application for an LDC, the onus is on the applicant to provide all the relevant information and evidence to support their case. On appeal, the Inspector's role is to decide whether, on the evidence, the Council's refusal to issue an LDC was well-founded. The case must be considered solely on the relevant legal tests, and its planning merits are of no relevance in the context of an appeal made under section 195 of the 1990 Act as amended. The appellant must show, on the balance of probabilities, that the development proposed, at the date of application, would be lawful.
4. It was agreed at the Hearing that closing submissions can be made following the Hearing and that those submissions should not contain any new evidence. However, the Council have referred to a) *SSTLG&R v Waltham Forest London Borough Council*, and b) reference to what they consider was said during the accompanied site visit¹, which the appellant has not had a chance to comment on

¹ Paragraph 33 of the Council's Closing Note.

during the Hearing. Accordingly, I have given no weight to this new evidence or the appellant's response to these matters when making my decision.

Main Issue

5. The main issue is whether the Council's refusal to grant the LDC for the use of land as a caravan site for the siting of static caravans for use as a main place of residence between 1st March and 30th November in each year was well founded. In particular, it is necessary to consider:
- the proper interpretation of the 1985 appeal² and the subsequent s73 2002 permission³ which varied the seasonal occupancy condition from 8 to 9 months; and
 - whether the proposed use would represent a material change of use (MCU) from the present lawful use.

Reasons

6. The appellant's case is advanced in the alternative:
- A. The 1985 appeal expressly granted static caravans to be occupied without qualification, in which case the use as described would be lawful, and it would not be necessary to consider alternatives B and C.
- B. The 1985 appeal granted permission for a holiday use of the site but did not include any condition controlling the type of occupation in which case the proposal would not amount to a change of use from the permitted use and would therefore be lawful, in which case it would not be necessary to consider alternative C.
- C. The 1985 appeal granted permission for a holiday use of the site and the proposed use would not represent a MCU and would therefore be lawful.
7. The Council's does not allege any breach of any condition. Instead, the Council consider that the proposed use falls outside the scope of what was granted by the operative planning permission and that such use would constitute a MCU for which planning permission is required.

Background to Spindlewood Country Holiday Park

8. The appeal site relates to an established holiday caravan site located on the fringe of Hastings. The site is occupied solely by static caravans, and these caravans are occupied for holiday or leisure purposes. Ancillary facilities within the site include a club building (containing restaurant, bar, and children's room), a reception/shop building and parking. The site is bordered by residential dwellings to the east and a primary school with associated playing fields to the south. To the west lies an industrial estate.
9. The parties agree that the site currently operates under the 1985 appeal as modified under the s73 2002 permission which was lawfully implemented. When a s73 application is successful a new permission is created, and the original

² Appeal ref: T/APP/B1415/A/85/033495/P7 approved on 9 September 1985.

³ Council ref: HS/FA/02/00753

permission remains extant and unaltered (along with the conditions attached to it). The effect of the decision will have been to create a second permission.

The proper interpretation of the 1985 appeal and the subsequent S73 2002 permission

10. The main matter in dispute is whether the use of the static caravans for use as a main place of residence, falls within the scope of what was permitted.
11. The 1985 appeal approved “*holiday chalets, static caravans, touring caravans and camping*”, subject to 9 conditions. In particular, condition 9 states: “*no chalet, caravan, or tent pitch on the site shall be occupied between 1 November in any one year and 28 (or 29) February in the succeeding year.*”
12. Planning permission was subsequently granted on 6 December 2002 for the variation of the 1985 appeal to allow site opening times from 8 months to 9 months from 1st March to 30 November. Condition 1 of this permission states:

“1. No chalet, caravan or tent pitch on the site shall be occupied between 1 December in any one year and 28 (or 29) February in the succeeding year.

The reason for the imposition of the said condition is: Neither the site nor the individual chalets, tents or caravan pitches are suitable for permanent year-round occupation, and it is intended that they should continue to be used for holiday purposes only during the permitted period”. [my emphasis]

13. In *Trump International Golf Club Scotland Ltd v the Scottish Ministers* [2015] UKSC 74, Lord Carnwath held that the process of interpreting a planning permission should not be regarded as differing materially from that appropriate to other legal documents which must be interpreted in a particular legal and factual context. A planning permission is a public document which may be relied on by parties unrelated to those originally involved. The approach is to consider what the reasonable reader would understand the words to mean in the context of the overall purpose of the planning permission and with common sense. The basic rule is that a planning permission should stand by itself, and the meaning should be clear within the four corners of the document.
14. The appellant contends that the term “holiday” in the description only qualifies “chalets” and does not relate to the other forms of accommodation listed (static caravans, touring caravans, and camping). It is argued that the permission should be read as: “holiday chalets, [unqualified occupation] static caravans, [unqualified occupation] touring caravans and [unqualified occupation] camping,” in which case the use as described would be lawful.
15. However, paragraph 2 of the Inspector’s 1985 appeal explains:

“I note from the Council’s written statement that the application was submitted in response to the proposals contained within the Hastings Borough Draft District Plan 1983 which seeks to encourage sites for holiday chalets/caravans and camping on the northern and western fringes of the Borough subject to certain criteria and which nominates Bricklands Farm as a suitable site for chalets, static caravans, touring caravans, tents and campers.” [my emphasis]
16. It is noteworthy that the 1985 appeal explicitly refers to the application coming forward in response to the Hastings Borough Draft District Plan 1983 which encouraged sites for “holiday chalets/caravans and camping”. Furthermore, the

1985 appeal makes clear that this policy nominated Brickland Farm (the former name of the appeal site) as suitable for chalets, static caravans, touring caravans, tents and campers. This list of the different types of self-catering accommodation closely mirrors the application description of the 1985 appeal.

17. In addition, the Inspector explains that the seasonal occupation condition, limiting the use of the site from March to October is *“required by the Council’s policy 8.16”* (the draft local plan policy relating to holiday chalets/caravans referred to earlier in the 1985 appeal).
18. Similarly, the reason for condition 1 attached to the subsequent s73 2002 permission which extended the seasonal occupancy of the site to 9 months explicitly states:

“Neither the site nor the individual chalets, tents or caravan pitches are suitable for permanent year-round occupation, and it is intended that they should continue to be used for holiday purposes only during the permitted period” [my emphasis].
19. Therefore, the 2002 condition’s express reference to “holiday purposes only” further illustrates the true scope of the authorised holiday use. The description of the development that was approved in the original 1985 appeal remains unchanged and reads through to the subsequent 2002 permission. The parties agree it is this later permission that was last lawfully implemented.
20. The appellant contends that the statutory definition of a “caravan” and “caravan site” does not differentiate between the different types of caravans or the ways that they may be used and occupied. However, the statutory definitions are not determinative of what the 1985 appeal and subsequent s73 2002 permission permitted at the site. The question is not what a caravan may be used for in the abstract, but what use was authorised by these permissions.
21. In this case, the 1985 appeal was not simply for an unfettered caravan site. The qualifying word “holiday” is present on the face of the 1985 appeal as well as the subsequent 2002 permission and need not be implied or added. Furthermore, the seasonal occupancy condition (considered sufficient to implement the holiday use policy, which required sites to be “restricted on a seasonal basis only”), together confirmed the holiday character and use.
22. Within the 4 corners of these documents, any reasonable reader would understand the 1985 appeal and the 2002 permission as authorising a holiday park comprising four distinct but related elements: holiday chalets, static caravans, touring caravans, and camping. All four elements are within a holiday context for transient seasonal visitors. Since these permissions are clear and unambiguous, there is no need to consider “extrinsic material.” The legal issue is therefore one of character and scope of the permission as granted, not simply whether the static caravans fall within the statutory definition of a caravan.
23. This interpretation is supported by the composite nature of the description, the seasonal occupancy restriction conditions (including the reasons for the conditions at set out above) which apply to all four components, on both the 1985 and s73 2002 permissions. It was not a grant of permission for the siting of static caravans for residential use as a main place of residence between 1st March and 30th November in each year. The lack of a holiday occupancy condition does not preclude this interpretation.

“Holiday” as a “limitation”

24. The appellant considers that in the absence of a condition controlling the manner of occupation of the static caravan units, that the proposed residential use is not prohibited and would not amount to an MCU. Authorities of *I'm Your Man Ltd*⁴, *Altunkaynak*⁵ and *Cotswold Grange*⁶ have been submitted in support of this proposition. However, as was made clear by the Court of Appeal (CoA) in *Winchester*⁷ (discussed during the hearing), the *I'm Your Man* line of authorities has been widely misunderstood. As Sullivan LJ explained (at [26]):

“It is possible that the use of the word “limitation” in the judgments has contributed to the misunderstanding of the effect of the I'm Your Man line of authorities. The simple proposition which should not be lost sight of is that the use for which a planning permission is granted must be ascertained by interpreting the words in the planning permission itself. Whether other uses would or would not be materially different from the permitted use is irrelevant for the purpose of ascertaining what use is permitted by the planning permission.”

25. Further, as Sullivan LJ made clear, in the cases of *I'm Your Man*, *Cotswold Grange* and *Altunkaynak*, the character of the use remained the same. (see *Winchester City Council* at [21]). In none of those cases had there been a change of use from the permitted use to some other use, whereas in the current appeal case, the Council allege that the proposed residential use would be an MCU, which I consider further below.

26. As Sullivan LJ held in *Winchester* at [19]:

“The planning permission in the present case was for a change of use of agricultural land to travelling show peoples' site. It permitted that change of use and no other. It did not permit a change of use to a use for the stationing of caravans for residential purposes by persons who were not travelling show people. Since there was no occupancy condition use of the site by occupiers who were not travelling show people was not prohibited. Whether the site was being used by non-travelling show people and, if so, whether that use was a material change of use from an initial use by travelling show people, were matters of fact and degree, which the Inspector should have determined.”

27. In this case, the 1985 appeal authorised a composite holiday caravan park. It permitted that change of use and no other. It did not permit a change of use to residential use as a main place of residence. The fact that there is no condition preventing the use of the caravans for residential purposes does not mean that residential use is positively permitted. Rather, it means that the question of whether a change to the use of land for the residential use would be a MCU must be determined as a matter of fact and degree. This is the very question that the Court in *Cotswold Grange* remitted the matter for determination.
28. The “holiday” use limitation is just as much a functional limitation (in that it qualifies the holiday park’s character) of the 1985 appeal and the s73 2002 permission as was the limitation to the use to a “site for travelling show people” in *Winchester*.

⁴ *I'm Your Man Ltd. v Secretary of State for the Environment* (1999) 77 P. & C.R. 251.

⁵ *R (Altunkaynak) v Northamptonshire Magistrates' Court* [2012] EWHC174 (Admin).

⁶ *Cotswold Grange Country Park v Secretary of State for Communities and Local Government* [2014] EWHC 1138 (Admin)

⁷ *Winchester City Council v Secretary of State for Communities and Local Government* [2015] EWCA Civ 563

29. Based on all of the above, the 1985 appeal and subsequent s73 2002 permission, properly interpreted, authorised only 'holiday use' for all four elements of the description, where transient holiday visitors occupy their static caravans. The proposed residential use sought by the current LDC application would be a change from that use and would fall outside the scope of that permission.

Whether the proposed use would constitute an MCU

30. Under Section 55(1) of the 1990 Act, "development" is defined as including the making of any "material change in use of any buildings or any other land". The Council's case is that the proposed use would amount to an MCU. The Council consider the use of the site from holiday accommodation to a main place of residence would result in an MCU. The appellant disagrees. Again, the burden of providing relevant facts rests with the appellant, and the test of the evidence is the balance of probabilities.
31. The concept of an MCU is not defined in statute or statutory instrument. The basic approach is that, for an MCU to have occurred, there must be a significant difference in the character of the activities from what has gone on previously as a matter of fact and degree. The planning consequences of the change may be relevant, but a change of use which leads to an 'improvement' in respect of planning merits can amount to an MCU just as one that causes harm.
32. The intensification of a use may amount to an MCU if and where that causes the character of the use to change in a fundamental way. It applies when the former and present uses can only be distinguished in terms of scale and effects related to scale. In *Hertfordshire CC v SSCLG & Metal and Waste Recycling Ltd* [2012] EWCA Civ 1473, the Court of Appeal held that the Inspector applied the right test: 'What must be determined is whether the increase in the scale of the use has reached the point where it gives rise to such materially different planning circumstances that, as a matter of fact and degree, it has resulted in a such a change in the definable character of the use that it amounts to a MCU'. The CoA judgement in *Barton Park Estates Ltd*⁸ confirms that a proposed use can be of the same "type" as an existing lawful use but still amount to an MCU.
33. In the first instance, to assess the materiality of any change of use, it is necessary to establish the appropriate planning unit. In this case, the planning unit is the area of the site outlined in red on the plan which accompanied the LDC application.
34. In deciding whether there would be an MCU, the present lawful (holiday) use has to be compared with the proposed (residential) use. The present lawful use is characterised, by the 1985 appeal and the s73 2002 permission, which have been lawfully implemented. Mr Eiser confirmed during the Hearing that the site currently comprised approximately 100 static caravans (stationed all year round), which are "*holiday homes owned by occupiers who come and go*". Mr Eiser also confirmed that the site was entirely occupied by static caravans only and that there were no chalets, touring caravan or camping areas on site.
35. The site plan at the holiday park office confirmed that this was so and that there are currently 102 static caravans on site, which is in accordance with the maximum number of static caravans stipulated in Condition 2 of the static caravan holiday site

⁸ *Barton Park Estates Ltd. V Secretary of State* [2022] EWCA Civ 833

license, dated 22 August 2024. The appellant confirmed during the Hearing, *“the baseline is what’s there, what’s existing, and that the caravans are on site”* and *“there is no change in the number of those caravans.”* This use of the site is in accordance with the planning permissions mentioned above. Based on all of this, the present lawful use comprises a holiday park consisting of 102 static caravans used between the months of March and November (inclusive).

36. I appreciate that there is currently no limitation on length of stay, save for the seasonal occupancy condition which would remain, and that the units are all owner occupied and are not rental caravans. Nevertheless, these 102 static caravans presently provide holiday accommodation for 9 months of the year with occupiers that *“come and go”*. Therefore, the site currently has a holiday/transient character characterised by peaks and troughs in the open season. Furthermore, static caravans used as holiday homes are more likely to have longer periods of absence than static caravans occupied as a main place of residence for 9 months of the year. In this regard, the proposed use would result in a more intensive residential character of the site.
37. Indeed, the residential occupation of the 102 static caravans for 9 months of the year would introduce different and more regular travel patterns at peak times of the day to and from the appeal site, as a result of weekday commuting and school-runs. This would be distinctly different to travel patterns associated with the present holiday use which is likely to be more sporadic and seasonal with peaks and troughs throughout the year. Holiday makers are more likely to visit during periods of warmer weather (such as summer holidays, Easter, half term holidays and weekends) and make local car journeys to visit the coast and local leisure, cultural and visitor attractions.
38. I also observed during my site visit that the local roads near the entrance to the site were relatively narrow and particularly restricted on Rock Lane, with designated sections for two vehicles to pass one another safely. Additional car journeys at rush hour times could have a harmful effect on this local road network. Furthermore, no clear evidence has been presented to demonstrate that there would be no harmful effects associated with the use of 102 static caravans as a main place of residence. Indeed, the May 1985 Development Committee Report for the original application for the holiday park illustrates that Guestling Parish Council raised similar concerns regarding the adequacy of the local road network to accommodate the likely volume of traffic visiting the site.
39. In addition to increased residential coming and goings, it is more probable that the residential use of the site, occupied on a more permanent basis would attract a greater number of deliveries, including postal and courier deliveries, as well as supermarket/online deliveries. I acknowledge that holiday occupiers would also have online/grocery deliveries, especially when they first arrive at the beginning of their stay. However, as outlined above, the holiday use of the site is likely to have longer periods of absence, unlike the proposed residential use. In this regard the pattern and frequency of deliveries between holiday and residential use would be distinct.
40. It is also likely that there would be changes in the character and appearance of the site. I appreciate that the site is laid out and used as holiday homes for people that *“come and go.”* Nevertheless, the change to more a permanent residence is more likely to result in homeowners storing more personal possessions and belongings

on site (than the current holiday home use) with a corresponding increase in storage needs. As a result, the proposed use is more likely to result in an increase in domestic paraphernalia outside the caravans consisting of sheds, bike stores, washing lines, as well the potential for further demarcation of plots with fences and/or hedges.

41. In addition, it is more likely that the proposed residential use, would place additional demands on local services such as local GP surgeries, dentists and schools. This is because holidaymakers/second homeowners would be more likely to remain registered with local services at their main residence elsewhere and would only be likely to use local health services in an emergency situation. In contrast, main residents would usually register for these local services close to their main homes. The proposed residential use would be likely to give rise to additional and materially different demands on local services, such as GP surgeries, dentists and schools, which is less likely with the current holiday use of the site.
42. Furthermore, the Council highlight that the tourism sector is particularly important to the local economy and raise additional concerns that the use of the existing 102 static caravans for residential use, for 9 months of the year, would result in a substantial loss of bed spaces from the visitor accommodation sector. Spindlewood Holiday Park contains an onsite clubhouse and bar, and the appellant contends that most visitor spend would likely be kept onsite within this facility. I was able to view the clubhouse during my site visit, and I accept that it was a reasonable size and could cater for a high number of covers thus providing a valuable facility.
43. Nevertheless, given the location of the holiday park, in the seaside town of Hastings, holidaymakers would also have the opportunity to make the most of their free leisure time and explore the local area and attractions, thereby contributing to the local economy. This includes visiting local pubs, restaurants, cafes and shops. Furthermore, the holiday park is located a short drive to the beach of Hastings, and it is probable that holidaymakers would leave the park and enjoy being by the coast, which would encourage spending in the local area. Indeed, there is no dispute that the Holiday Park's own website advertise the tourism benefits of visiting the wider area.
44. For the reasons outlined above, the proposed residential use of the site would be an intensification of the existing use of the site resulting in a considerable and fundamental change in its character from a transient holiday park to a more constantly occupied residential caravan park. Based on the specific site circumstances of this case, there is a fundamental material difference between (1) a caravan site comprising static caravans solely for holiday use; and (2) a caravan site which is primarily or entirely residential throughout the 9 months operating season. In particular, when considered against the potential on and off-site planning impacts, outlined above, I consider this change is materially different from the present 'holiday' park use. The existing seasonal occupancy condition would not be sufficient to prevent this change from being material.
45. As a matter of fact and degree, and on the balance of probabilities, I find that there would be a MCU of the present holiday park, for which planning permission would be required. On that basis, the requested certificate that such a use would be lawful cannot be granted. Therefore, the LDC cannot be issued.

Other Matters

46. Within their written evidence, both parties have submitted a number of appeal decisions and authorities in support of their cases. However, from my reading of these it is clear that each decision falls to be considered, as a matter of fact and degree, and based on the site-specific circumstances, the relevant permissions, and evidence before the decision maker. Whilst I have had regard to all of these, I have based my decision on the site-specific circumstances and evidence before me and have explained why the proposed use falls outside of the scope of the relevant planning permissions for this site and why, on this occasion, there would be an MCU.

Conclusion

47. I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the use of land as a caravan site for the siting of static caravans for use as a main place of residence between 1st March and 30th November in each year was well-founded, and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

R Satheesan

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Michael Rudd of Counsel instructed by Mr B Eiser

Ben Eiser, Director, Eiser Planning and Development Consultancy Services Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Joel Semakula of Counsel instructed by Hastings Borough Council

William Larkin, Principal Planning Officer for Hastings Borough Council

DOCUMENTS SUBMITTED DURING THE HEARING

1. Site licence for Hastings Holiday Parks Ltd dated 22 August 2024.
2. Static caravan holiday site license conditions for Spindlewood Holiday Park.
3. Council's closing submissions.
4. Appellant's closing submissions.
5. Appellant's cost application.
6. Council's cost rebuttal.
7. Appellant's final comments on the cost application.