



Appeal Decisions

Site visit made on 7 April 2026

by **T C King BA(Hons), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 April 2026

Appeal A Ref: APP/G2245/C/24/3345427 and APP/G2245/C/24/3345428 Grove Close, Hampkins Hill Road, Chiddingstone, Edenbridge TN8 7BA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Ms Sarah Clifford-Baynes and Mr Richard Clifford-Baynes against an enforcement notice issued by Sevenoaks District Council.
 - The notice was issued on 8 May 2024.
 - The breach of planning control as alleged in the notice is, without planning permission, the operational development within the last 4 years; the erection of a stables and a storage building, and a hexagonal walking area..
 - The requirements of the notice are:
 - 1) Demolish buildings A and B (shown as the hatched black areas on the site plan that accompanies this notice) in their entirety;
 - 2) Remove the hardstanding surrounding buildings A and B, and the section of hexagonal walking area marked in blue on the plan; and
 - 3) Remove from the land all resultant materials originating from steps 1) and 2) above.
 - The period for compliance with the requirements is three (3) months from the date on which the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2) (c), (f), (g) of the Town and Country Planning Act 1990 (as amended).
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The enforcement notice, the subject of these appeals.

1. Following the Council refusing planning permission (ref 22/02461/FUL) for the retention of stables with ancillary storage and manages in 2022 the decision was unsuccessfully appealed by way of an Inspector's decision letter dated 28 February 2024.
2. The plan attached to the enforcement notice issued refers to buildings A and B, with the other two equestrian related buildings (C and D) within the red-ringed appeal site not labelled. All four buildings are, though, shown on drawing no A070 Rev 1 (Block Plan). which was submitted alongside the application the subject of the 2024 appeal. Also shown on the Plan is a hexagonal-shaped sand-school or 'pen' (F) and a menage (G).
3. Despite the similarity of dimension and appearance of all four buildings, which are arranged around the outside of the sand-school, the enforcement notice only requires the demolition of buildings A and B. However, section 3 of the notice, which is concerned with the reasons for the notice being issued, refers to significant harm to the openness of the Green Belt as a result of the breach being inappropriate development within. However, if this applies to buildings A and B, then it follows that it must equally apply to buildings C and D, yet no distinction is drawn within the enforcement notice.

4. It must thereby be assumed that the Council is seeking to under-enforce for reasons best known to itself. The answer is seemingly found in the Council's enforcement report which preceded the notice's issue, within which this approach is highlighted on the basis that it would reduce the built form by 50%. Paragraph 6.4 of this report says:

'Consequently, it is quite possible to under-enforce in this case, so that the proposed enforcement notice is to remove those two buildings (A and B). This would have the effect of permitting the remaining buildings and menage (G) and , hexagonal walking area (F). Although the Inspector refers to the cumulative negative impact of the development on the undeveloped land on the Metropolitan Green Belt, which includes the menage and hexagonal walking area, the Inspector did not have any detrimental concerns on this development individually.'

5. The enforcement notice's content, as issued, does not help the Council's case here. The correct approach, instead, would be to list, in full, the breaches of planning control taking place. This would be the allegation in its entirety, and the inclusion of the said Block Plan as an attachment to the notice would have helped in this regard although, contrary to the above, (F) is not the hexagonal walking area. The various elements, if not mentioned in the notice's required steps for compliance, would only then subsequently gain planning permission by default once all the specified steps had been complied with in full.
6. I find that the wording of the alleged breach is imprecise, and it is unclear whether this refers to the extent of the actual breach or is aimed only at buildings A & B. In this particular instance there is a further problem in that requirement 2) refers to the removal of the hardstanding surrounding buildings A and B, yet the surfacing is actually rubber matting, laid on the ground, and commonly found outside equestrian stable buildings. Such matting is fitted tightly together to prevent movement and sinking and is most often removeable and not permanently bonded to the ground. From the appellants' representations this appears to be a case in point.
7. The enforcement notice, in terms of the stated allegation, is not only inexact but also less than explanatory as to the reasons for issuing the notice as it fails to draw a distinction between buildings A & B and C & D. In targeting the former two, the recipient needs to know why the latter are excluded. It is obvious to question why, if C & D are not cited, A & B are, with the two sets of buildings are virtually identical, albeit on the opposite side of the sand-school, and are subject to the same planning policies. Instead, the reasons for differentiating should have been made clear at the outset. I am not aware whether any planning contravention notice was served – where the matter may have been raised - prior to the enforcement notice's issue. Even so, the enforcement notice, once served, is the definitive document.
8. This is not to question the expediency of issuing the enforcement notice. That must remain a matter for the Council alone. Instead, it is more to do with procedural fairness and the notice's construct. Given also its reference to 'hardstanding', and the fact that the enforcement report says that the site was visited by enforcement officers in the past, and more recently by the planning officer assessing the last application (22/02461/FUL), the Council's case would clearly have benefitted from a further site visit and an updated assessment before formal enforcement action took place.

9. Under the provisions of section 176(1) of the 1990 Act (as amended) it is open to me to correct any defect, error or misdescription in the enforcement notice or to vary its terms if I am satisfied that the correction or variation will not cause any injustice. It is considered that the Courts interpret the power to correct a notice very widely and that the powers in s176(1) can extend to making significant changes to the terms of the notice so as to put it on a proper footing.
10. I cannot second guess the Council's rationale in this particular instance, and I am not convinced that no injustice would be caused if I were to attempt to make the significant corrections necessary. In other words I find that this notice, as issued, is incapable of correction.
11. For the reasons given above I therefore conclude that the enforcement notice is invalid and will be quashed.

T C King

INSPECTOR