



Appeal Decision

Site visit made on 6 May 2026

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2026

Appeal Ref: APP/U1430/C/23/3334798

Land on the north-west of Seacox Cockers, The Mount, Flimwell, East Sussex TN5 7QP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Robert Lindsay against an enforcement notice issued by Rother District Council.
- The notice was issued on 13 October 2023.
- The breach of planning control as alleged in the notice is without planning permission, change of use of the Land from woodland to a mixed use for agriculture, forestry and for the stationing of mobile homes and associated structures for residential purposes.
- The requirements of the notice are to:
 - (i) Stop using the Land for the stationing of mobile homes and associated structures for residential purposes
 - (ii) Remove the mobile home and touring caravans from the Land
 - (iii) Remove all structures associated with the use of the Land for residential purposes from the Land
 - (iv) Remove all domestic and residential goods, chattels, furniture, paraphernalia and personal effects from the Land
 - (v) Remove all rubble, rubbish, debris, materials, tools, machinery 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 ground set out in section 174(2)(c) of the Town and Country Planning Act 1990 (as amended).

Summary Decision: The appeal is dismissed and the enforcement notice is upheld.

Preliminary Matters

1. The appellant suggests that a Tree Preservation Order (TPO) should not have been put on the site. However, it is not for me, in an appeal against an enforcement notice, to consider whether the TPO was issued correctly.
2. I understand that the occupiers may be Gypsies or Travellers. However, under a ground (c) appeal I am only able to consider whether the matters alleged were a breach of planning control. This ground of appeal does not allow for consideration of the effect of the decision on individuals or their rights.
3. I have received a copy of appeal decision reference APP/U1430/W/23/3321909 relating to an appeal against refusal of planning permission for the erection of a pair of semi-detached dwellings, together with parking, new access, garden land and landscaping. I have taken this into account in coming to my decision.

The Appeal on Ground (c)

4. An appeal on this ground is that “those matters” (the matters stated in the alleged breach of planning control) do not constitute a breach of planning control. The burden of proof for this ground is on the appellant, with the relevant test of the evidence being on the balance of probability.

5. The evidence suggests that the appeal site has previously been used for growing vegetables and keeping livestock. It appears to have been owned with a neighbouring dwelling, Seacox Cocks. It is unclear whether the use at that time was as an allotment or part of the garden. Ownership of the house and this area of garden, now known as The Hollies, appears to have been separated, albeit the date for that is disputed.
6. Over time, it appears that trees had established themselves on the site such that the physical condition of the land had changed and it appeared as woodland. It appears that no other use took place on the land and it is unclear as to the intentions of intervening owners of the land. As a result, it appears that the enforcement notice has correctly identified the previous use as woodland.
7. The use for which the site is now used, as set out within the enforcement notice, is separate from any previous residential use. Whilst the mobile homes and associated structures are used for residential purposes, this is not connected to the residential use of any neighbouring dwelling. The current unit of occupation is physically and functionally separated from any other dwelling.
8. The effect of this is that the new unit comprising The Hollies is in separate occupation and, consequently, is a distinct use from any other residential unit. Therefore, it has resulted in a material change of use that comprises development under section 55 of the Town and Country Planning Act 1990 as amended for which no planning permission has been granted. Since it is development without planning permission it constitutes a breach of planning control.
9. For these reasons, I conclude that the appeal under ground (c) should fail.

Formal Decision

10. The appeal is dismissed and the enforcement notice is upheld.

AJ Steen

INSPECTOR