



Appeal Decision

Site visit made on 17 June 2026

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2026

Appeal Ref: APP/U1430/C/24/3351367

Land at Bois De Saussac, Udimore Road, Udimore, Rye, East Sussex TN31 6BG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Xiang Wang against an enforcement notice issued by Rother District Council.
- The notice was issued on 9 August 2024.
- The breach of planning control as alleged in the notice is without planning permission, change of use of the Land from forestry to a mixed use for forestry and for recreation, leisure and commercial activities including airsoft, paintball, and skirmish within a constructed military-style training ground, and the associated erection and construction of buildings, toilet blocks, tents, parachutes, fencing and other structures.
- The requirements of the notice are to:
 - (i) Stop using the Land for recreation, leisure and commercial purposes.
 - (ii) Demolish, dismantle and remove all buildings, toilet blocks, tents, parachutes, military-style training ground constructions, and all other structures erected and constructed on the Land to facilitate the said unauthorised use.
 - (iii) Break up and remove all/any footings and bases on which any of the buildings and structures are sited, and all/any services connected to any of the unauthorised buildings and structures, from the Land.
 - (iv) Remove from the Land all domestic and residential goods and paraphernalia associated with the said unauthorised use.
 - (v) Remove from the Land all materials, rubble, rubbish, debris, tools, machinery and equipment arising from compliance with the above requirements.
- The period for compliance with the requirements is: 6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(b), (c) and (f) of the Town and Country Planning Act 1990 (as amended).

Summary Decision: The appeal is dismissed and the enforcement notice is upheld with corrections in the terms set out below in the Formal Decision.

Preliminary Matters

1. The provisions of section 176(1) of the Town and Country Planning Act 1990 (the Act) give Inspectors wide ranging powers to correct or vary enforcement notices in order to get them “in order”, provided that such alterations would not result in injustice to any party. There are typographical errors in the notice comprising a spelling error in the breach of planning control and the use of “and” rather than “are” in paragraph (iii) of the requirements. I will correct these. As they are minor corrections that would clarify but not amend the contents of the notice, this will not result in injustice to any party.

The Appeal on Ground (b)

2. An appeal on this ground is that the matters described in the notice have not occurred. The burden of proof for this ground is on the appellant, with the relevant test of the evidence being on the balance of probability.

3. The appellant suggests that the site has not been put into commercial use. The indications are that they accept the land has been used for military-style training with some structures erected to support that use. However, they indicate that was for family and friends of the site owners to enjoy.
4. Photographs of the equipment provided on site have been submitted by the Council and I was able to see them during my site visit. There are significant quantities of equipment and a number of structures that are of fairly substantial construction albeit modest in size. It seems a reasonable assumption that these indicate a commercial use. This is supported by extracts from a website that appears to be owned by one of the landowners advertising outdoor bushcraft courses operating from “pristine forest in East Sussex” that have been supplied by the Council.
5. For these reasons, on the balance of probability I conclude that the use was commercial and, on that basis, the appeal under ground (b) should fail.

The Appeal on Ground (c)

6. 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.
7. There is no dispute that the change of use of the land to a mixed use for forestry and for recreation, leisure and commercial activities including airsoft, paintball, and skirmish within a constructed military-style training ground constitutes development within the meaning of Section 55 of the Act for which planning permission is required. No planning permission has been sought from or granted by the Council for the change of use.
8. The appellant suggests that the use comprises permitted development in accordance with Article 3 and Schedule 2, Part 4, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). This grants planning permission for the use of land for any purpose for not more than 28 days in total in any calendar year, subject to a number of restrictions. These include that development is not permitted if it comprises war games within a site of special scientific interest (SSSI).
9. I have not been provided with evidence that the land is within a SSSI. The Council did not mention “war games” in the enforcement notice, although the use described may be considered as such. In any event, it appears to be accepted that the use could continue for a period of up to 28 days in total in any calendar year in accordance with Article 3 and Schedule 2, Part 4, Class B of the GPDO.
10. The Council indicate that the use may have taken place over a period of at least 14 months, with items related to the use having been retained on the site for well in excess of 28 days. Limited information has been provided relating to when the structures required to enable the use to take place were brought onto the site or removed, nor the dates when the activities took place. Many of the structures were visible on the site during my visit, which indicates they have been on the site for many months rather than having been kept on site for periods of no longer than 28 days in any calendar year. It appears that they had been on the land for considerably in excess of 28 days on the date the notice was issued. Retaining the

structures and equipment on the land following the cessation of the activity would mean the use had not fully ceased.

11. Taking account of the above factors, and having regard to all other evidence before me, I conclude that, on the balance of probability, the use has continued for a period in excess of 28 days in total in any calendar year such that it did not comprise permitted development in accordance with Schedule 2, Part 4, Class B of the GPDO. Since no planning permission has been granted for the development it thereby constitutes a breach of planning control.
12. For these reasons, I conclude that the appeal under ground (c) should fail.
13. I note powers provided by section 177(1)(c) of the Act enable me to issue a lawful development certificate (LDC) where, on the date on which the appeal was made, any existing use of the land was lawful. As I have concluded the use of the land was not lawful, I am not able to issue an LDC in this instance.

The Appeal on Ground (f)

14. An appeal on this ground 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 or, as the case may be, to remedy any injury to amenity which has been caused by any such breach. In this case, the requirements seek the use to cease and any structures erected to support the use be removed, in order to restore the land to its condition before the breach took place. Clearly, therefore, the purpose of the notice requirements is to remedy the breach of planning control.
15. The appellant suggests that, as the structures were temporary there is no demolition required, no removal of foundations or debris, and there are no military-style training ground constructions to be removed. I note that the requirements of the notice refer to "any" footings, bases or services. Whilst the structures are generally modest in size, some are of fairly substantial construction and they have been on the site for some time, suggesting that they are more than temporary. Whilst any foundations are likely to be modest, the requirements of the notice are seeking to do no more than remedy the breach of planning control by restoring the land to its condition before the breach took place.
16. For these reasons, I conclude that the appeal under ground (f) should fail.

Formal Decision

17. It is directed that the enforcement notice is corrected by:
 - the deletion of "fencing and" and the substitution of the words "fencing and" in section 3. The Breach Of Planning Control Alleged; and
 - the deletion of the words "structures and sited" and its substitution with the words "structures are sited" in paragraph (iii) of section 5. What You Are Required To Do;
18. Subject to the corrections, the appeal is dismissed and the enforcement notice is upheld.

AJ Steen

INSPECTOR