



Appeal Decision

Site visit made on 18 June 2026

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

an Inspector appointed by the Secretary of State

Decision date: 13 July 2026

Appeal Ref: APP/U1430/C/24/3351398

Sowdens Gate Wood , Udimore Road , Udimore, East Sussex, TN31 6BG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (amended)
 - The appeal is made by Mr Ti Wu 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 leisure and recreation purposes,.
 - The requirements of the notice are to:
 - 1) Stop using the Land for leisure and recreation purposes;
 - 2) 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;
 - 3) Break up and remove all/any footings and bases on which any of the buildings and structures, from the Land;
 - 4) Remove from the Land all domestic and residential goods and paraphernalia associated with the said unauthorised use; and
 - 5) Remove from the Land all materials, rubble, debris, tools, machinery and equipment arising from compliance with the above requirements.
 - The period for compliance with the requirements is six months after this notice takes effect
 - The appeal is proceeding on the ground[s] set out in section 174(2)(a) and (e) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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The enforcement notice, the subject of this appeal

1. The enforcement notice's, requirement (iv) requires for the removal from the land of *'all domestic and residential goods'* yet the allegation does not mention any residential use occurring. Clearly, this requirement is inconsistent with the allegation.
2. It can be the case that an allegation refers to a particular breach, as one of several identified, which is not addressed in the various compliance requirements – such as where the Council might wish to under-enforce – but the situation is inexplicably reversed here.
3. The Town and Country Planning (Enforcement Notices and Appeals)(England) Regulations 2002 under Part 2, 4C specifies that notices shall show the precise boundaries of the land to which it relates, whether by plan or otherwise. In this particular instance the only reference point on the plan attached to the enforcement notice is a small stretch of the River Tillingham at the top of the plan. There is no north point shown, and neither is Udimore Road. It was, therefore, necessary to attach a second plan at a smaller scale to show the site's full contextual setting.

4. Moreover, the ringed area of land, annotated as '*Bois De Saussac*', is identical to that shown on the plan attached to another enforcement notice issued by the Council, also on 9 August 2024, relating to '*Land at Bois de Saussac, Udimore, Rye, East Sussex*'. Clearly, the two separate enforcement notices cannot relate to the same piece of land and, given the address on the notice and the annotation on the plan attached, I have to reasonably conclude that the plan does not relate to the enforcement notice the subject of this appeal. Instead, the plan relates to another appeal which has recently been determined (*APP/U1430/C/24/3351367*). The fact that the appointed Inspector appears to have accepted the plan, despite its absence of detail does not necessarily mean that it satisfies the Town and Country Planning (enforcement Notices and Appeals)(England) Regulations 2002 but, more so, at least that was the correct plan.
5. Leaving aside the incorrect plan for the moment, the enforcement notice's requirements are inconsistent with the allegation, and this means that there is a serious lack of precision and unambiguity; something one would reasonably expect of a legal document, and certainly one representing a charge on the land. Mindful of the judgement of *Miller Mead v MHLG* [1963] 2 WLR 225 I consider that parallels can here be drawn in that the current notice's construction is ambiguous and uncertain to the point that the recipient could potentially not tell in what respect the land had been developed without planning permission or further, that they might interpretate, with reasonable certainty, what steps had to be taken to remedy the alleged breach.
6. In weighing up this case I am concerned that the enforcement notice has fundamental errors which, when taken together, compound to suggest its invalidity. I, therefore, doubt whether, in the form issued, the notice provides the certainty necessary for it to have a reasonable chance of success. The absence of an adequately detailed plan attachment is a particular failing given the circumstances surrounding the alleged breach.
7. 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.
8. I cannot here, though, be certain 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 not capable of correction.
9. For the reasons given above I must, therefore, conclude that the enforcement notice is invalid and I hereby direct that it be quashed.

TC King

INSPECTOR