



Appeal Decision

Site visit made on 2 September 2026

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH JP

an Inspector appointed by the Secretary of State

Decision date: 22 September 2026

Appeal Ref: APP/G5180/C/24/3355640

**Land lying to the North – West of New Years Lane, Sevenoaks, TN14 7PQ
Land West of Knockholt Farm, New Years Lane, Knockholt as shown edged
red on the plan attached to the notice**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Cornel Bodnariu (CMD Farm Limited) against an enforcement notice issued by the Council of the London Borough of Bromley.
 - The enforcement notice was issued on 14 October 2024.
 - The breach of planning control as alleged in the notice is:
Without the required planning permission, the material change of use of the Land within greenbelt to the storage of shipping containers, stationing of a touring caravan, a flatbed truck, plus assorted items and machinery which includes an excavator, a trailer, green hopper, window frames, assorted wood, flower pots, a bank of stand up lockers, plastic sheeting, polycarbonate roofing material, wooden pallets, corrugated metal sheeting, a door, a wooden shed/2 horse stable, excavator bucket, wooden cable reel, plastic piping and other paraphernalia.
 - The requirements of the notice are to:
 - (a) Cease the use of the Land as described in paragraph 3 above and,
 - (b) Remove from the Land all assorted items, machinery, vehicles, and paraphernalia which is described in paragraph 3 above and,
 - (c) Restore the Land to its condition before the breach of planning control took place.
 - The period for compliance with the requirements is 2 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (c) and (d) of the Town and Country Planning Act 1990 as amended (the Act).
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Decision

1. It is directed that the enforcement notice be corrected by:

- In section 3, deleting all the words of the paragraph which follow "Without the required planning permission, the material change of use of the Land" and replacing them with "to a mixed use of agriculture and non-agricultural storage"; and
- In section 5, replacing requirement (b) with "Remove from the Land all items of non-agricultural storage, including shipping containers."; and
- In section 5, deleting requirement (c).

Subject to these corrections, the appeal is otherwise dismissed and the enforcement notice is upheld.

Procedural Matters

2. I saw on my site visit that a barn has been erected which houses chickens. It is not clear that the building is lawful development. However, that operational development appears to post-date the enforcement notice in the appeal before me and which concerns only the alleged material change of use of the land. Accordingly, this Decision does not concern the matter of the barn.

Ground (c)

3. For success on this ground, I must be satisfied on the balance of probabilities that matters do not constitute a breach of planning control. The burden of proof rests with the appellant on this legal ground.
4. Essentially, the appellant's case is that there has not been an unauthorised material change of use that requires planning permission. Simply put, that the use of the land remains solely as agricultural through its commercial production of free-range organic eggs from Cotswold Legbar hens. It is also said that certain matters cited in the notice allegation are lawful by reason of agricultural permitted development rights pursuant to Part 6, Class B of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) - agricultural development on units of less than 5 hectares.
5. In essence, as far as it is clear to me from the way the notice has been drafted and from the Council's appeal submissions, the case of the local planning authority is that there has been a material change of the use of the land to use for non-agricultural storage. The new use alleged by the notice does not include agricultural activity, even one that is a composite element of a mixed primary use.
6. As I found on my site visit, there is in fact an agricultural activity being carried out on the land. I find it more likely than not, having regard to the appellant's Planning Contravention Notice (PCN) response in June 2024 and looking at the Council's photographs (with the feed hopper in view and the possible erection of pens), that there was agricultural-related activity on the land at the time the notice was issued (even if the chickens had yet to arrive).
7. However, notwithstanding the agricultural use, I am also satisfied that there is (and was) significant use of the land for the storage of non-agricultural items:
 - The notice allegation refers to the shipping containers on the land. There are a sizable number of them¹ and, despite the burden of proof being with the appellant, no access was provided to me so that I could relate my own observations to the appellant's claims that "the containers provide essential storage space for tools, equipment, and other agricultural necessities" (appeal form) and "We use the shipping containers left by previous owners to store farming equipment and supplies" (PCN response). Further, notwithstanding the above claims, I have seen no substantive evidence from the appellant as to the contents of the containers or as to their connection with agricultural activity.

¹ I counted 10 on my visit on land occupied by the appellant, although a few were stationed in a wooded area to the south which appears to be outside of the red line of the enforcement plan

- Throughout the site there is the external storage of items, in various accumulations, which are clearly unrelated to agricultural use. For instance, I saw a range of items from commercial catering equipment/ovens to children's bicycles and playthings. The notice allegation cites a range of stored items (presumably based on officer observations), and notably the appellant does not dispute that many of them are unrelated to agricultural use (there is no explicit justification for the excavator, window frames, assorted wood, flower pots, a bank of stand up lockers, plastic sheeting, polycarbonate roofing material, wooden pallets, corrugated metal sheeting, a door, excavator bucket, wooden cable reel, plastic piping and other paraphernalia).
8. Accordingly, I find as a matter of fact and degree that there has been a material change of use of the land to a mixed use of agriculture and non-agricultural storage. I am correcting the notice accordingly. I am satisfied that this would cause no injustice to the parties. The appellant implicitly accepts on the appeal form that there are stored items which are not justified in connection with agricultural use, and indeed says that they will be removed towards compliance with the notice. The Council's apparent enforcement objective of targeting non-agricultural storage is retained.
9. I accept the appellant's justifications for a single touring caravan (as a welfare unit for agricultural workers), a flatbed truck and trailer (for transporting farming supplies) and the green hopper (for livestock food storage). These are all features of non-operational development which are consistent with the lawful agricultural use (non-mixed use) of the land. For the avoidance of doubt, while I am also amending the requirements of the notice in logical consistency with my correction to the allegation², these items are not required to be removed from the site. I see nothing to cause me to disagree with the appellant's claim that the wooden shed/2 horse stable is used for "storage for tools, small equipment and other materials integral to maintaining the farm" (and this is consistent with my site visit observations). Nevertheless, the building constitutes operational development for which it would seem no planning permission is in place. The permitted development rights referred to by the appellant (even if they applied in this mixed-use situation³) do not give permission for the erection of a building. Furthermore, the GPDO provisions do not give planning permission for the storage containers as there is insufficient evidence that they are reasonably necessary for the purposes of agriculture within the agricultural unit.
10. For all of the above reasons, I am not satisfied on the balance of probabilities that there has not been a breach of planning control through an unauthorised material change of use of the land. Accordingly, ground (c) does not succeed.

Ground (d)

11. On ground (d), the appellant must demonstrate on the balance of probabilities that enforcement action was not possible on the date the notice was issued.
12. The appellant's case is that it was too late for the Council to take enforcement action as regards the shipping containers and wooden shed/stable since they had been on-site since 3 June 2019. The appellant says that section 171B(1) of

² And removing superfluous requirement (c)

³ Case law suggests otherwise

the Act applies, whereby no enforcement action may be taken after the end of the period of 4 years beginning with the date on which operational development is substantially completed.

13. However, section 171B(3) of the Act provides that - where there has been a breach of planning control through an unauthorised material change of use - no enforcement action may be taken after the end of the period of 10 years beginning with the date of the breach. The storage of the containers forms part of the material change of use. Notwithstanding their size (which appears to vary), the storage containers have an intrinsic portability that reduces their degree of permanence upon the land and I have seen no substantive evidence that there is any significant attachment to the ground. For these reasons, I do not regard them as operational development subject to section 171B(1). Therefore, under section 171B(3) it was not too late for the Council to take enforcement action when it did as regards the material change of use which included the storage of the shipping containers. Ground (d) does not succeed in respect of them.
14. Conversely, I am satisfied that the wooden shed/stable is a building due to a combination of its size, permanence and attachment to the ground. The Council has not challenged the appellant's claim as to the date it was installed, which is consistent with what was stated in the PCN response. I therefore find, on the balance of probabilities, that it was too late for the Council to have taken action as regards the wooden shed/stable when the notice was issued on 14 October 2024 since more than 4 years had passed⁴. Ground (d) therefore succeeds in respect of it. The notice cannot require it to be removed, and the corrections to the notice to which I have already referred do not result in that requirement.

Andrew Walker

INSPECTOR

⁴ Neither am I satisfied that the building, being in use for the storage of agricultural-related items, is integral to (and part and parcel of) the material change of use.