



Appeal Decision

Site visit made on 25 August 2026

by **L Perkins BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28th September 2026

Appeal Ref: APP/C1435/C/24/3356589

Land at New House Farm, Buckham Hill, Isfield, East Sussex TN22 5XU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr John Lewin against an enforcement notice issued by Wealden District Council.
- The notice was issued on 31 October 2024.
- The breach of planning control as alleged in the notice is:
Without planning permission, change of use of buildings from agriculture to a mixed use for agriculture and for storage, commercial storage and distribution purposes, vehicle maintenance, and associated parking.
- The requirements of the notice are:
 - (i) Stop using the Land for storage, commercial storage and distribution purposes, vehicle maintenance, and associated parking.
 - (ii) Remove all equipment and paraphernalia associated with the unauthorised use of the buildings including, but not limited to, racking, shelving, equipment and machinery, tools, skips, internal partitions and office equipment.
 - (iii) Remove all tools, rubbish, materials, debris 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 grounds set out in section 174(2)(b) and (g) 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.

The Notice

1. The allegation in paragraph 3 of the notice refers to “buildings” when it should refer to “the land”. Requirement (ii) in paragraph 5 contains the same error. It is clear from the precise boundaries of the land, shown by the red line on the plan attached to the notice, read together with the description of the land affected, set out in paragraph 2 of the notice, that the change of use affects all the land within the red line, not just the buildings. The Council’s comment that the breach was drafted to encompass associated activities such as external parking reinforces my view in respect of the above.
2. So I shall correct the notice in this regard, drawing on my powers under section 176(1) of the 1990 Act. I am satisfied no injustice would be caused by this correction because both main parties have made submissions on reducing the red line area. It is clear therefore that both main parties have interpreted the notice as affecting all land within the red line, ie including the external areas, not just the buildings.

3. The allegation also refers to a “change of use” when it should refer to a “material change of use”. This is because section 55(1) of the 1990 Act defines development as including a “material change of use”. I will correct the notice in this regard, to reflect the wording of the Act.
4. I shall also remove “but not limited to” from requirement (ii) in paragraph 5 of the notice as this phrase is not specific, for the purposes of section 173(3) of the 1990 Act. I have no reason to believe any injustice would occur as a result of these corrections.

Reasons

Ground (b)

5. An appeal on ground (b) is that the matters stated in the notice have not occurred as a matter of fact. In a ground (b) appeal the onus is on the appellant to make out their case to the standard of the balance of probabilities.
6. To respond to the ground (b) case pleaded by the appellant, it is necessary to identify the relevant planning unit. The written submissions provided do not assist me in this. So in this regard, I have reached my own view, based on my observations at my site visit in addition to the information provided.
7. Within the red line of the plan attached to the enforcement notice are four large modern barn buildings arranged around a substantial yard. From all of the information available to me, including my observations at my site visit, the yard has provided parking and loading/unloading space for the buildings. The appellant has explained that a Portaloo, which I saw in the yard, serves all of the buildings.
8. Given the above factors, there is a functional connection between the four buildings and the yard. This indicates that what is within the red line constitutes a single planning unit, where the unit of occupation is in a mixed use because the site overall is put to two more activities and it is not possible to say that one is incidental to another.
9. According to the appellant, the use of the units (ie the four buildings on the appeal site) is not for the mixed use alleged, they were and are used solely for commercial storage and distribution purposes. Also, the appellant states that the Council cannot claim that the breach of planning control includes the change of use to agriculture as the buildings that are the subject of the enforcement notice were originally approved for agricultural use. It is the appellant’s view therefore that reference to agriculture constituting a breach of planning control should be deleted from the notice.
10. But the above points reflect a misunderstanding of what the notice is directed at. It attacks the planning unit overall, ie all of the land within the red line on the plan attached to the notice, not just the buildings. Also, the notice is directed at a mixed use, of which agriculture is one component. It does not attack agriculture as a use in isolation.
11. My attention has been drawn to three photographs in the Council’s statement that show land within the vicinity of the buildings, within the red line of the notice. The appellant states that these photographs all show storage of external materials associated with the farming of New House Farm and that areas adjacent to the buildings have always been used for storage associated with the farming of New

House Farm. But this merely reinforces the point that the Council was correct to allege a mixed use of the land, including agriculture.

12. Notably, the requirements of the notice, as drafted, do not require the agricultural component of the mixed use to cease. So for the purposes of section 57(4) of the 1990 Act (and noting that the Council agrees that the buildings were originally approved for agricultural use) the notice does not take away any lawful use of the site for agriculture.
13. For clarity in this regard however, I shall correct requirement (i) in paragraph 5 of the notice such that it requires the mixed use alleged to cease, rather than requiring separate components of the mixed use to cease, as currently worded. This way, any incidental agricultural storage shall not be affected by the notice but storage relating to the mixed use shall. I am satisfied that no injustice shall be caused by this correction. I have been provided with no reason to think otherwise.
14. On the appellant's own case, there is storage associated with farming on the areas of land adjacent to the buildings within the red line and two of the four buildings have been used for the storage of a collection of cars. This latter component is a storage use, rather than a storage and distribution use akin to that said to have been carried out by Paragon Microfibre on the appeal site. In light of these points, it is correct to describe the use of the land within the red line as a mix of agriculture, storage and commercial storage and distribution.
15. The appellant states that the allegation that there is external storage associated with the commercial storage use is false. But this is contradicted by Figure 2 in the Candid Planning Consultancy representation, dated 13 May 2024. This is a photograph of the Easy Storage operation, taken from Paddock View. It shows external storage. I have no reason to think it is anything else.
16. No explanation has been provided by the appellant as to why this does not constitute external storage, bearing in mind that the burden of proof in ground (b) is on the appellant. It makes no difference whether Easy Storage was evicted or was only in occupation for 6 months, as the wording of section 174(2)(b) of the 1990 Act is that the matters stated in the notice "have not occurred" rather than "are not occurring". Given my findings on Figure 2, it would not be correct to reduce the extent of the red line on the enforcement notice plan, as has been requested by the appellant.
17. According to the appellant, there is no vehicle maintenance within any of the units, or outside of the units, nor was there before or when the enforcement notice was issued. The Council has not refuted this claim. The Council states that the description of the breach was drafted to encompass all possible associated uses and activities that occur within the buildings and on the land surrounding the buildings and I have been invited by the Council to reduce the extent of the activities described, if I am minded to do so.
18. In light of the above and a lack of any evidence that vehicle maintenance has been a component of the mixed use alleged, I shall correct the notice in this regard and remove vehicle maintenance from the allegation. I am satisfied no injustice will occur as a result, given the submissions made by each side in this regard.
19. I conclude the appeal on ground (b) succeeds to the extent that I shall correct the notice in the ways described above.

Ground (g)

20. An appeal on ground (g) is that the period for compliance with the requirements of the notice falls short of what should reasonably be allowed.
21. According to the appellant, the time for compliance is inadequate for the occupiers of the units to find alternative accommodation. But as was obvious at my site visit, the occupier of each of the buildings has already vacated. So I have no reason to believe more time is needed for them to look for alternative accommodation.
22. Pursuant to ground (g), the appellant has referred to an acute shortage of available Class B8 (storage and distribution) floorspace, the need to support economic growth and productivity as well as policy justification to support an 18 month period for compliance with the notice. But these are all planning merits arguments that I cannot consider in the absence of a ground (a) appeal.
23. An interested party has asked that the compliance period be reduced to 3 months. But this would leave the appellant in a worse position than if they had not appealed and so I am not satisfied a shorter period than is specified in the notice would be reasonable.
24. In light of the above, I consider that 6 months is sufficient time to carry out all requirements of the notice and that this period is proportionate and reasonable in the circumstances. I conclude that the appeal on ground (g) fails.

Other Matters

25. The appellant has provided detailed written submissions, including on biodiversity, traffic activity, economic and environmental considerations. But in the absence of a ground (a) appeal, I cannot consider any such planning merits of the appeal development.
26. Nor can I consider the Council's reasons for refusing a related planning application (Ref WD/2024/0742/FR) as that application is not before me in this enforcement notice appeal.

Conclusion

27. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections.

Formal Decision

28. It is directed that the enforcement notice is corrected by:
 - the deletion of the allegation in paragraph 3 of the notice and its substitution with:

“Without planning permission, a material change of use of the land from agriculture to a mixed use for agriculture and for storage, commercial storage and distribution purposes and associated parking.”
 - the deletion of requirement (i) in paragraph 5 of the notice and its substitution with:

“Cease the mixed use alleged in paragraph 3.”

- the deletion of requirement (ii) in paragraph 5 of the notice and its substitution with:

“Remove all equipment and paraphernalia associated with the unauthorised use of the land including racking, shelving, equipment and machinery, tools, skips, internal partitions and office equipment.”

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

L Perkins

INSPECTOR