



Appeal Decision

Site visit made on 10 August 2026

by **Mark Harbottle BSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 September 2026

Appeal Ref: APP/U2235/C/26/3378504

Land and buildings on Pear View, Symonds Lane, Yalding, Kent ME18 6HA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the Act").
 - The appeal is made by Mr Alfred Brazil against an enforcement notice ("the notice") issued by Maidstone Borough Council.
 - The notice was issued on 12 March 2026.
 - The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of the land from agriculture to a residential use occupied by a gypsy and traveller family, comprising:
 - The stationing of one static caravan (identified as C) and associated domestic paraphernalia.
 - The construction of an extensive area of hard surfacing.
 - The erection of three permanent brick-built structures, namely a bungalow for residential use (identified as A), a dayroom/ utility outbuilding (B), and a garage/workshop (D) within the red outlined plan.
 - The requirements of the notice are to: (1) Cease the unauthorised residential use of the land for the stationing of a residential caravan (C) by a gypsy and traveller household; (2) Remove from the land the static caravan (C) and all associated domestic paraphernalia, including but not limited to outdoor furniture, storage containers, fuel tanks/bottles, decking, lighting columns, fences, gates and any other items brought onto the land in connection with the unauthorised use; (3) Demolish and remove from the land the three brick-built structures, namely the bungalow (A), dayroom/utility outbuilding (B) and garage/workshop (D), including foundations; (4) Break up and remove all hard surfacing laid in connection with the unauthorised use and associated operations, including sub-bases; (5) Remove all resulting materials, spoil and debris from the land to an authorised place of disposal; (6) Remove all service connections and apparatus installed in connection with the unauthorised development, including septic/cess arrangements, soakaways, water, electricity and telecoms, and cap any remaining connections at source; and (7) Restore the land to its former condition as agricultural land, or in the absence of evidence of its precise former condition, to a condition suitable for agricultural use, including reinstating ground levels to pre-development levels; importing clean topsoil where necessary; and reseeding with an appropriate agricultural grass mix.
 - The periods for compliance with the requirements are: requirement (1) 3 months; requirements (2) – (6) 6 months; requirement (7) 8 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (g) of the Act. 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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Decision

1. The enforcement notice is quashed.

Preliminary matter

2. The National Planning Policy Framework ("the Framework") was revised during the appeal, superseding Planning Policy for Traveller Sites. The parties were afforded an opportunity to comment on the effect of this revision on the appeal.

The Notice

3. Section 176(1) of the Act allows that any error, defect or misdescription in the notice may be corrected provided that will cause no injustice to the appellant or the Council. If injustice would be caused, the notice will be not correctable and invalid.
4. I am concerned that the notice does not describe the development alleged to be in breach of planning control correctly. Setting aside for now who may be living on the land, the notice describes a “material change of use...to a residential use occupied by a... family” (my emphases). However, the component parts of that single use set out in the bullet points include the construction of a bungalow for residential use as well as the stationing of a residential caravan. Put simply, the notice alleges the creation of one residential unit while describing two.
5. Development requiring planning permission may be in the form of operations or any material change of use of land or buildings. The erection of the bungalow or any other type of building for use as a self-contained dwelling should normally be treated as operational development in its own right, not as works that are incidental to the stationing of a caravan in use as a separate residence. Similarly, a caravan stationed near a dwellinghouse should not be considered incidental to that dwellinghouse if the two structures are separate homes.
6. While those currently on the land are from one family, it needs to be considered whether they would occupy and use it as a single household. The evidence shows that they would live on the land as two households, one being the appellant and his wife, and the other being their adult daughter and her child. It follows that the notice should allege, but does not, the erection of a bungalow for use as a self-contained dwellinghouse and a material change of use of land to a separate residential use facilitated by the stationing of a static caravan.
7. Furthermore, I must question whether the notice should refer to occupation by a Gypsy and Traveller family because, while that could be enabled by the alleged change of use, the erection of a permanent dwelling such as the bungalow could not facilitate a nomadic way of life.
8. It is not unusual for the permanent occupants of a static caravan to need an associated dayroom/utility outbuilding. However, the alleged dayroom/utility outbuilding has a far larger footprint than the static caravan it would seemingly serve. It also has two floors and, while there was no internal staircase at the time of my site visit, a space where one could be inserted was evident. I could see that the upper floor is plastered, painted, fitted with lighting and enhanced by three dormer windows and three roof lights.
9. While I am advised that the building’s footprint is comparable to dayroom/utility buildings approved elsewhere, I have been given no information about those buildings. Furthermore, footprint gives only a partial indication of the scale of a building that has more than one floor. Critically, no evidence that a building of this scale is needed to meet the reasonable needs of any occupiers of the static caravan has been produced. Therefore, and despite the appellant’s advice that there is no intention to use the upper floor, it is not clear to me that the notice accurately describes the function of the building or its relationship to the other developments subject to the notice.

10. It is not clear from the notice whether the erection of the garage/workshop building is alleged to be related to the stationing of the static caravan for residential use or to the construction of the bungalow or both.
11. Work had just begun on the construction of the roof to this building when the notice was issued. Work has progressed since, to the point where it is a complete shell. As such, it is now apparent that it has a form and scale comparable to a two-storey dwellinghouse.
12. If I were to accept the appellant's advice that the building is to be primarily for his own workshop needs, that raises other questions. He advises that he often works on cars and carriages and would like a building that can accommodate a forge or furnace. While I have no reason to doubt that advice, it is not a full explanation as to why such a large building would be required for activity incidental to the residential occupation of a static caravan. Nevertheless, it is explicitly stated that the appellant does not intend to use the building commercially and that it would not be open to the public.
13. Considering the foregoing, it is not clear to me that the notice accurately describes the function of the building or its relationship to the other developments subject to the notice.
14. Finally, it is not clear from the notice or the presented evidence whether the operations involved in laying the area of hard surfacing are related to the stationing of the static caravan for residential use or the construction of the bungalow or both.
15. The notice could likely be corrected to delete or clarify the references to the occupiers without causing injustice to any party. However, the same cannot be said for the erroneous suggestion of there only being residential use for one family. Correcting the notice to clarify that there are at least two residential units or uses on the ground, because the bungalow is a self-contained dwelling, would compromise the position of both parties. There is a particular risk of injustice to the appellant because they might reasonably wish to introduce new grounds of appeal as well as updated evidence too late in the proceedings.

Conclusion

16. For the reasons given above, I conclude that the notice does not specify with sufficient clarity the alleged breach of planning control. It is not open to me to correct the error in accordance with my powers under section 176(1)(a) of the Act, since injustice would be caused were I to do so. The notice is invalid and will be quashed.
17. In these circumstances, the appeals on the grounds set out in section 174(2)(a) and (g) of the Act and the application for planning permission deemed to have been made under section 177(5) of the Act do not fall to be considered.

Mark Harbottle

INSPECTOR