



Appeal Decisions

Site visits made on 10 August 2026

by **Mark Harbottle BSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1 October 2026

Appeal A Ref: APP/U2235/C/24/3342671

Land known as Highlands Farm, Yalding Hill, Yalding, Kent ME18 6AL (also known as Highlands Park)

- Appeal A is made by Mr Henry Wilson under section 174 of the Town and Country Planning Act 1990 (as amended) ("the Act") against an enforcement notice ("Notice A") issued by Maidstone Borough Council on 13 March 2024.
 - The breach of planning control as alleged in Notice A is: Without planning permission, the material change of use of the land for a residential use including the stationing of caravans and associated paraphernalia and operational works including the laying of hard standing, plainings/shingle, any subterranean features and the erection of outbuildings and structures.
 - The requirements of Notice A are: (a) Permanently cease the use of the land for residential purposes; (b) Permanently remove from the land all caravans; (c) Permanently remove from the land all the outbuildings and structures; (d) Permanently remove from the land all associated paraphernalia including hard standing, plainings/shingle and any subterranean features such as oil tanks, sewage treatment tanks and utilities; (e) Permanently remove the hardcore sub-base and to return land to its previous condition/levels by ripping the ground in two directions, re-spreading topsoil over that land to a depth of 150mm (or more where necessary) to fill in any depression and grading, allowing the regeneration of the natural grass [sward] and hedgerow regeneration; and (f) Remove all resultant materials, rubbish, paraphernalia, and debris from complying with steps (a) to (e) above from the land.
 - The periods for compliance with the requirements are: 6 months for steps (a) – (e) and 7 months for step (f).
 - Appeal A is proceeding on the grounds set out in section 174(2)(a), (c), (e), (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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Appeal B Ref: APP/U2235/C/24/3342672

Land known as land to the rear of Caravan 2, Highlands Farm, Yalding Hill, Yalding, Kent ME18 6AL

- Appeal B is made by Mr Terry Wilson under section 174 of the Act against an enforcement notice ("Notice B") issued by Maidstone Borough Council on 13 March 2024.
- The breach of planning control as alleged in Notice B is: Without planning permission, the material change of use of the land for a residential use including the stationing of caravans and associated paraphernalia and operational works including the laying of hard standing, plainings/shingle and subterranean features.
- The requirements of Notice B are: (a) Permanently cease the use of the land for residential purposes; (b) Permanently remove from the land all caravans; (c) Permanently remove from the land all associated paraphernalia including hard standing, plainings/shingle and any subterranean features such as oil tanks, sewage treatment tanks and utilities; (d) Permanently remove the hardcore sub-base and to return land to its previous condition/levels by ripping the ground in two directions, re-spreading topsoil over that land to a depth of 150mm (or more where necessary) to fill in any depression and grading, allowing the regeneration of the natural grass [sward] and hedgerow regeneration; and (e) Remove all resultant materials, rubbish, paraphernalia, and debris from complying with steps (a) to (d) above from the land.
- The periods for compliance with the requirements are: 6 months for steps (a) – (d) and 7 months for step (e) [sic].

- Appeal B is proceeding on the grounds set out in section 174(2)(a), (e), (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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Appeal A – Decision

1. The appeal is allowed and Notice A is quashed.

Appeal B – Decision

2. The appeal is allowed and Notice B is quashed.

Preliminary Matters

3. The site of Appeal A (“Site A”) and that of Appeal B (“Site B”) adjoin each other and occupy the space between an extensive group of polytunnels to the north and west and premises in commercial use to the east. They wrap around a site with 2 modern agricultural buildings and 2 static caravans, the latter being permitted in 2016 (“the 2016 permission”).¹ A track shared with this site runs to the south, leading to an access onto Yalding Hill shared with the premises to the east.
4. Notices A and B are similar but not identical; Notice A also being concerned with the erection of outbuildings and structures. Among other things, both require the removal of “any subterranean features.” While this is accompanied by a list of examples (oil tanks, sewage treatment tanks and utilities) in each case, the phrase is imprecise and it is not evident that, for example, subterranean oil storage tanks have been installed. In other circumstances, it may be desirable to vary this for greater clarity. Notice B contains an error in its requirements, applying 6- and 7-month compliance periods to step (d) and giving none for step (e). I am sure the Council meant to give 6 months for step (d) and 7 months for step (e), consistent with Notice A. Again, in other circumstances, it may be desirable to vary this.
5. Correspondence on Appeal A introduced a previously hidden appeal on ground (c)² which, in other circumstances, could have been addressed.
6. While Notices A and B refer to policies of the Maidstone Local Plan 2017, the Council adopted the Maidstone Borough Council Local Plan Review 2021 – 2038 (“the LPR”) shortly after they were issued. However, Appeals A and B were made having regard to the policies of the LPR.
7. The National Planning Policy Framework has been revised since Appeals A and B were made, most recently superseding and including relevant provisions of Planning Policy for Traveller Sites. The parties were afforded an opportunity to make further comments in respect of the revisions and the 2026 update of the Maidstone Landscape Character Assessment.

Appeals A and B – the appeals on ground (e)

8. An appeal on this ground is that copies of the enforcement notice were not served as required by section 172 of the Act. Section 172(2) requires that a copy of an enforcement notice is served on (a) the owner and the occupier of the land to which it relates and (b) any other person having an interest in the land, being an interest which is in the opinion of the Council materially affected by the enforcement notice.

¹ 16/504014/FULL granted 7 October 2016.

² That (the matters stated in the notice) if they occurred, do not constitute a breach of planning control.

9. Gypsies or Travellers commonly station both a static and a touring caravan on a single pitch, so that the land is a settled base, but members of the household may travel for work. The parties agree there were 9 static caravans and 8 touring caravans on Site A before and after Notice A was issued, indicating that there were 9 resident households. It is also agreed that Site B was divided into 8 pitches, each capable of accommodating a static and a touring caravan.
10. However, the Council has described making few efforts to ascertain who occupied those pitches or to serve them individually with copies of Notice A or B as applicable. The Council instead affixed copies of each enforcement notice addressed to 'the owner' or 'the occupier' or 'any other person with an interest in the land' at or near each site entrance and in two other places within each site. In total, 6 copies were placed across land that was occupied by up to 17 households.
11. The appellants contend this was not enough and that more should have been done to identify and serve copies on the occupiers of individual pitches, including service of planning contravention notices to ascertain their identities. They also point out that literacy is low within the Gypsy and Traveller community and that absences from the site can be lengthy.
12. Under section 329 of the Act, if it is necessary to serve a copy of an enforcement notice on any person as an occupier of premises, and it is not done by post (as was the case with Notices A and B), the enforcement notice shall be taken as duly served if it is:
 - (i) Addressed by name or to "the owner" or "the occupier" and
 - (ii) Delivered to that person or
 - (iii) Left at their usual or last known place of abode or any address they have given or
 - (iv) Delivered to some person on those premises or affixed conspicuously to some object on those premises.
13. Where land is used as a caravan site, mobile homes or static caravans are normally occupied by separate households even if, as is not unusual in the Gypsy and Traveller communities, the occupiers spend extended periods away. If I assume in the Council's favour that it could not have been reasonably expected to know who lived where, that does not explain why it did not treat each static caravan as a separate pitch or premises for the purpose of service. On the information it had, the Council ought to have served copies of the relevant enforcement notice on all occupiers by affixing one to each static caravan or a related object.
14. The Council maintains that it is for the owner of the land, who in each case it believed to be living there, to tell any other occupier about the enforcement notice, although there is no statutory requirement for that. It is not clear whether the Council believed the owners (the appellants) were living on Site A and/or Site B or on the adjacent land, also known as Highlands Farm, where they had been living at the time of the 2016 permission.
15. While a responsible landowner in receipt of an enforcement notice might choose to check whether other people occupying the land are aware of it, that cannot be assumed. In any event, discretionary action by another party cannot discharge the Council's responsibility to serve copies as section 172 of the Act requires.

16. The copies of Notices A and B and the covering letters I have seen do not ask the recipient to make other people aware of the enforcement notice and their right of appeal. There is also no evidence before me that this was requested in any other way. This raises the possibility that the appellants did not know at first that some people likely to be affected by Notices A and B had not received copies.
17. The Council's actions in affixing copies of the enforcement notices in 3 places on each site may have helped raise awareness among occupiers. However, that fell short of the requirement described in paragraph 12 (iv) above because, for most occupiers, a copy of the enforcement notice was not affixed to some object on their premises. That could have been done with little additional effort but, as it was, even if an occupier had seen a copy, it cannot be assumed that they realised the enforcement notice affected their pitch.
18. For these reasons, I find that copies of Notices A and B were not served as required by section 172 of the Act. However, under section 176(5) of the Act, a failure to serve a copy of an enforcement notice on a person required to be served may be disregarded if it does not substantially prejudice them or the appellant.
19. In the Council's favour, I note that Appeals A and B both include an appeal on ground (a), that planning permission should be granted. In each case, this provided an opportunity to seek to defend the occupiers' homes. However, without all occupiers having been properly served, I cannot be confident that all potential arguments in favour of granting permission, particularly those relating to the personal circumstances of individual occupiers, have been presented.
20. Had the Council notified all occupiers of Site A and Site B of the appeals, that might have provided an opportunity for them to make representations encompassing any points they might have made if they had made an appeal themselves. However, the notification of the appeals did not include the occupiers of any pitches.
21. Given that any appeal against Notice A or B had to be made within 5 weeks of the date it was issued, it could be that some occupiers who might have appealed were either unable to do so, or if they became aware later, had insufficient time. Set against that, the appellants have not identified any occupier who did not learn of Notice A or B in time to be able to appeal against it, if they had wanted. However, that cannot prove that no-one was put in that position.
22. My attention is drawn to appeals concerning land in Harrow³ and Slough⁴ that succeeded on ground (e). In the Harrow case, there had been a failure to serve a copy of the notice on a registered owner by name, using only 'the owner' instead. While the Council served copies in that manner in Appeals A and B, it also served copies on each of the appellants by name, and I have not been told that any other person was an owner of either site at the time. The facts of Appeals A and B are therefore different and the additional use of 'the owner' was a wise precaution, given that changes in land ownership may occur but not be registered immediately.
23. The Slough decision more closely parallels the circumstances of these appeals. In that case, the land comprised several self-contained units of accommodation, but copies of the enforcement notice were not served on the occupier of each unit. Instead, the authority delivered a single copy addressed to 'the occupier(s)' and

³ APP/M5450/C/21/3271955 allowed 7 June 2022.

⁴ APP/J0350/C/19/3239940 allowed 26 March 2020.

advised the appellant to use it to alert other occupiers of the building. The service of insufficient numbers of copies and the failure to deliver one to each person or leave it at their usual or last known place of abode did not meet the requirements of section 329(1) of the Act. Accordingly, the Inspector found that copies of the enforcement notice had not been served as required by section 172 of the Act and that this had caused substantial prejudice.

24. On balance, it is probable that occupiers of Site A and Site B have been substantially prejudiced by the failures in service of the enforcement notices. Considering that they could be made homeless if the enforcement notices came into effect, this is a very serious matter that cannot be disregarded. The appeal on ground (e) must therefore succeed in Appeal A and Appeal B. In reaching that view, I note that section 171B(4) of the Act may allow further notices to be issued.

Appeal A - Conclusion

25. I conclude that occupiers of the land have been substantially prejudiced by the non-service of the enforcement notice and this is not a case when I can exercise the power to disregard that non-service in accordance with section 176(5) of the Act. The appeal on ground (e) succeeds and Notice A will be quashed.
26. In these circumstances, the appeals on the grounds set out in section 174(2)(c), (a), (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.

Appeal B – Conclusion

27. I conclude that occupiers of the land have been substantially prejudiced by the non-service of the enforcement notice and this is not a case when I can exercise the power to disregard that non-service in accordance with section 176(5) of the Act. The appeal on ground (e) succeeds and Notice B will be quashed.
28. In these circumstances, the appeals on the grounds set out in section 174(2)(a), (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.

Appeal A – Formal Decision

29. Appeal A is allowed and Notice A is quashed.

Appeal B – Formal Decision

30. Appeal B is allowed and Notice B is quashed.

Mark Harbottle

INSPECTOR