Planning Inspectorate

Appeal Decision

Site visit made on 4 November 2026

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2026

Appeal Ref: APP/G2245/C/25/3361691
Land North of Orchard Cottage, Clouts Farm, Ide Hill Road, Bough Beech, Kent TN8 7PH

- 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 Daryl Smith against an enforcement notice issued by Sevenoaks District Council.
- The notice was issued on 7 February 2025.
- The breach of planning control as alleged in the notice is 'Without planning permission: Unauthorised operational development with the erection of a utility building.'
- The requirements of the notice are: 1) Demolish the utility building (shaded in black) and remove any footings and foundations associated with the development from the land (shown in red edge on the attached plan); 2) Removal of any resultant materials; 3) Restore the land to its former grassed condition.
- The period for compliance with the requirements is 3 months from when the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(b), (f), and (g) of the Act.

Decision

1. The appeal is dismissed, and the enforcement notice is upheld.

The appeal on ground (b)

2. To succeed on this ground of appeal the appellant needs to show that the erection of a utility building has not taken place, as a matter of fact.

3. There is no dispute that a building has been erected without the benefit of planning permission, but it is the appellant's case that the building was erected for agricultural purposes and that as such, it is not a utility building. There is minimal evidence before me as to what purposes the building was erected for or how it has been used.

4. If I was satisfied that the building could not reasonably be described as a utility building, I would be able to correct or vary the notice by deleting the text 'utility' from the relevant parts of the notice without causing injustice to any parties, under the provisions of section 176(1) of the Act. However, it has not been shown that 'utility building' is not a reasonably clear and fair description of the development, even if the building was intended to be used for (or has been used for) agricultural purposes only. On the evidence, the notice is not erroneous or misleading and there is no need to correct or vary the description of the building in the notice.

5. The appeal on ground (b) fails.

The appeal on ground (f)

6. To succeed on this ground of appeal the appellant needs to show that the steps required to be taken exceed what is necessary to remedy the breach or, as the case may be, to remedy any injury to amenity which has been caused by the breach.

7. The notice requires the demolition of the building and the removal of any footings, foundations and resultant materials, with the land to be restored to its former grassed condition. The purpose of the notice is therefore to remedy the breach by restoring the land to its condition before the breach took place, consistent with section 173(4)(a) of the Act.

8. It is claimed that the requirements of the notice should be varied to allow the building to remain, subject to a condition preventing it from being used for any purposes other than agricultural and for the upkeep of the land. This would not, however, remedy the breach, and would effectively amount to a grant of planning permission under section 173(11) of the Act.

9. On the submissions, the purpose of the notice cannot be achieved with less cost and disruption. The requirements of the notice are the minimum steps necessary to remedy the breach, and they are not therefore excessive.

10. The appeal on ground (f) fails.

The appeal on ground (g)

11. To succeed on this ground of appeal the appellant needs to show that 3 months falls short of what should reasonably be allowed for the notice to be complied with. The appellant has requested that this is extended to a minimum of 12 months.

12. The building is a simple timber construction on brick skirt. Although it is large in size, demolition of the building and the removal of all debris from the land would be a straightforward process and not especially time consuming. The building was empty during my site visit, and the appellant has not provided evidence to support claims that additional time would be needed to allow machinery and tools stored on the site to be relocated and/or sold prior to the demolition of the building. It has also not been shown how the costs incurred in complying with the notice may justify any period in excess of 3 months. On the evidence, I find that 3 months is a reasonable period to comply with the notice.

13. The appeal on ground (g) therefore fails.

Conclusion

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

L Douglas

INSPECTOR