Planning Inspectorate

Appeal Decision

Site visit made on 4 November 2026

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd November 2026

Appeal Ref: APP/C1435/C/25/3370111
Land Adj. Vale Cottage, Maypole Road, Ashurstwood, Forest Row, East Sussex RH19 3PG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Scott Carter against an enforcement notice issued by Wealden District Council.
- The notice was issued on 20 June 2025.
- The breach of planning control as alleged in the notice is: Without planning permission, change of use of the Land from agriculture to a mixed use for agriculture and for the stationing of plant, vehicles, machinery, wooden pallets and the siting of shipping containers.
- The requirements of the notice are to:
  (i) Stop using the Land for the stationing of plant, vehicles, machinery, wooden pallets and the siting of shipping containers.
  (ii) Remove all plant, vehicles, machinery, wooden pallets and shipping containers from the Land.
  (iii) Remove from the Land all materials, rubble, rubbish, debris, tools and equipment arising from compliance with the above requirements.
- The period for compliance with the requirements is 6 months.
- The appeal is proceeding on the ground set out in section 174(2)(c) of the Town and Country Planning Act 1990 (as amended).

Decision

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

Preliminary Matters

2. I have not undertaken an internal inspection of the appeal site as the appellant was unable to attend or provide access onto the appeal site on 4 November 2026. However, I was able to view the appeal site from public land unaccompanied by either party. Both parties were written to explaining this and I am satisfied that neither party would be prejudiced by this.

3. I have also dealt with another appeal (Ref: APP/C1435/C/25/3370106) on this site. That appeal is the subject of a separate decision.

The appeal on ground (c)

4. Ground (c) arises where an appellant seeks to argue that the matters alleged by the enforcement notice do not constitute a breach of planning control. The onus of proof lies with the appellant, the relevant test of the evidence being the balance of probabilities.

5. The appellant's case is that the construction vehicles on site are to manage and improve the land, and that the pallets are used to build fences and wildlife homes.

He states that his aim is to make this a wildlife area for his family and local community to enjoy whilst engaging with forest farming and occasionally camping. The appellant contends that these items stored on site are ancillary to the primary use of the land and therefore no material change of use of the land to a mixed use has occurred.

6. The concept of material change of use is not defined in statute or statutory instrument, and therefore it is a question of fact and degree in each case. For there to be a material change of use, there needs to be some significant difference in the character of the activities from what has gone on previously.

7. There is no dispute that the land is classified as agricultural land, and the Council has confirmed that it does not benefit from any other permission to change the use of the land. Furthermore, the historic aerial photographs[1] and Google Street View photographs[2] provided by the Council illustrate that the appeal site historically comprised a primarily natural area with dense vegetation and trees, covered by a woodland Tree Preservation Order (TPO).

8. The appellant accepts that there is construction machinery (a digger and dumpster), vehicles, wooden pallets, and shipping containers on site, and that these items are spread across the site. Whilst the appellant states the construction machinery is required to improve the land, the Council highlights that these items have been stored on the land for over a year and therefore cannot be considered to be temporary. Furthermore, it has not been demonstrated why these items are genuinely required for purposes of agriculture and why they have been stored on the land for such a long time. Indeed, no explanation has been provided why vehicles were being stored at the appeal site. As a matter of fact and degree, from the evidence provided, including the historical imagery provided by Council, these items appear to have substantially affected the character and appearance of the natural area of land/woodland which previously existed on the site.

9. As such, the storage of plant, vehicles, machinery, wooden pallets and several shipping containers on the land has gone beyond the scope of what could reasonably be considered as incidental or ancillary to any agricultural use and has involved another primary use within this same planning unit.

10. Whilst the appellant claims that the shipping containers were already present on the site when he purchased the land in August 2023, no corroborating evidence has been submitted to support this claim. I also note that no shipping containers are shown in the historical aerial images (dated between 2009 and 2022) nor the Google Street View photographs (dated between 2008 and 2024) provided by the Council in Appendices 2 and 4 of their appeal statement.

11. I therefore conclude, as a matter of fact and degree, that a material change of use of the site has occurred from an agricultural use to a mixed use for agriculture and for the stationing of plant, vehicles, machinery, wooden pallets and shipping containers. Planning permission is required for such a material change of use and there is none in place. In addition, the change of use is not permitted development. As such, there has been a breach of planning control, and the appellant has not discharged the onus on him to demonstrate otherwise.

[1] Appendix 4 of the Council's appeal statement.
[2] Appendix 2 of the Council's appeal statement.

12. Accordingly, the appeal fails on ground (c).

Conclusion

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

R Satheesan

INSPECTOR