



Appeal Decision

by S A Hanson BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th November 2025

Appeal Ref: APP/K2230/X/25/3368436

Land at Bowesden Lane, Shorne, Gravesend, Kent DA12 3LA

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for a certificate of lawful use or development.
 - The appeal is made by The Town and Country Planning Partnership Limited (T&CPP Ltd) against Gravesham Borough Council.
 - The application ref 20250346 is dated 4 April 2025.
 - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 (as amended).
 - The use for which a certificate of lawful use or development is sought is the siting of a caravan for purposes ancillary to the agricultural use of the land.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by T&CPP Ltd against Gravesham Borough Council. This is the subject of a separate decision.

Preliminary Matters

3. During the appeal, the procedure for determination was changed from a Hearing to written representation without a site visit. In my judgement, the issues could be understood from the evidence submitted, and the case therefore met the Planning Inspectorate's criteria for determination by written representations. The main parties were notified of the change and given the opportunity to comment. Both parties agreed to the change in procedure. At the time, the appellant had not submitted a Statement of Case. They were subsequently given a further opportunity to provide a statement and any additional evidence they wished to rely upon at the Hearing. No supporting statement was received from the appellant.
4. Any person may apply for a certificate of lawful use or development (LDC), regardless of whether they have an interest in the land – and there is no requirement for them to notify the owner or any other owners or occupiers. However, Article 39(2)(c) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (the 2015 DMP) provides that an LDC application must be accompanied by a statement setting out the applicant's interest in the land, the name and address of any other person known to the applicant to have an interest in the land and whether any such person has been notified of the application.
5. The Council considered that notice had not been properly served on persons with an interest in the land. Although the application had been validated and remained

valid, attempts to clarify the matter were unsuccessful. As a result, a decision on the LDC application was not forthcoming prior to the appeal being submitted.

6. Since the appeal was lodged on 28 June 2025, the ownership of the appeal land has been transferred to a company set up by local residents. Notwithstanding the change in ownership, the appeal was not withdrawn. A determination must therefore be made and a decision issued.

Main Issue

7. The Council did not issue a decision on the LDC application within the statutory period or within the agreed extensions. The appeal is therefore made under section 195(1)(b) of the Town and Country Planning Act 1990 (as amended). Had the Council determined the application, it would have refused it. Accordingly, the main issue in this appeal is whether that deemed refusal would have been well-founded.

Reasons

8. The LDC application has been made under section 192(1)(a) of the 1990 Act which seeks to establish whether the proposed use would be lawful. Section 192(2) sets out that if on application under this section, the local planning authority is provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, that is 4 April 2025, they shall issue a certificate to that effect. In any other case they shall refuse the application.
9. Planning merits form no part of the assessment of an application for an LDC which must be considered in the light of the facts and the law. The onus is firmly on the applicant (appellant) to demonstrate that, on the balance of probabilities, the proposed development would be lawful.
10. Section 191(2)(a) and (b) sets out that uses and operations are lawful at any time if: i) No enforcement action may be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and ii) They do not constitute a contravention of any enforcement notice then in force.
11. The appeal relates to the proposed siting of a caravan on land which extends to 1.8 hectares to the east of Bowesden Lane. The site contains stables and grazing land. It is proposed to site the caravan close to the stables and the access to the north of the site. Floor plans of the proposed caravan show that it would comprise an entrance lobby, kitchen/dining area, living area, boot-room, bathroom, two bedrooms, study and shower room. There is no dispute that the caravan would accord with the legal definition of a caravan.
12. The application form states that the use of the land is 'historically agricultural', and the existing or last use is described as 'agricultural'.
13. Section 336 of the 1990 Act defines "agriculture" as including horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for

woodlands where that use is ancillary to the farming of land for other agricultural purposes.

14. Section 55(1) of the 1990 Act states that “development” means the carrying out of building engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. Section 55(e) of the Act sets out that the use of any land for the purposes of agriculture shall not to be taken for the purposes of the Act to involve development of the land. The appellant’s case is that the proposed caravan would be used in an ancillary manner to the agricultural use of the land. Thus, its siting and use does not involve development having regard to Section 55(2)(e) of the Act. There is, however, nothing to support the appellant’s claim of an agricultural use of the land.
15. The appeal attracted considerable interest from neighbouring residents. Comments submitted by the Dickens’ Country Protection Society referred to the recreational equine use of the land. The Parish Council stated that “the land includes a large stable and separate feed storage building in association with equine use” and suggested that the use is, by definition, not agricultural. Other representations from local residents referred to social media posts indicating that the caravan was intended as a place for stable staff to ‘make drinks and sit’. The site was also referred to by some as ‘Heartland Stables’.
16. Having considered the representations from local residents and in the absence of any evidence to the contrary from the appellant, it seems to me that the land was being used for equine purposes. While equine use can amount to agriculture, this depends on the manner in which the horses are kept. If horses were simply turned out on the land to feed from it, that could indicate an agricultural use. However, the presence of stable buildings, a feed room, and references to stable staff suggest that the land was more likely used for the ‘keeping of recreational horses’. Accordingly, I am not persuaded that the land was in agricultural use at the time of the application.
17. Notwithstanding this, the purpose of the caravan is described only as being ‘ancillary’ to the agricultural use of the land, and the appellant has provided no further clarification regarding its intended use. National Planning Policy Guidance states that an application for an LDC must describe precisely what is being applied for and the land to which the application relates. Where sufficient or precise information is lacking, a local planning authority may be justified in refusing a certificate. Precision in the terms of any certificate is vital to avoid doubt about what is lawful at a particular date, as any subsequent change must be assessed against it. A certificate for a proposed use must include a clear description of the use, operations, or other matter for which it is granted, regardless of whether those matters fall within a use class.
18. In this case, the appellant has not described the proposal with sufficient clarity or precision to enable me to understand exactly what is involved. They were given the opportunity to provide further information when I wrote to the parties on 20 August 2025, seeking their views on a change in procedure. That letter clearly explained that the revised timetable would allow the appellant to submit additional details to support their case, noting that “the onus was on them to demonstrate that the use of the land was agricultural and that the siting of a caravan for a use ancillary to that agricultural use would be lawful.”

19. No further information was provided. The appellant has relied on an appeal decision relating to land elsewhere for an LDC for a similar proposal. Although I have read that decision, I am not aware of the full circumstances of that case and, in the absence of any explanation, I am unable to draw any meaningful comparison.
20. A caravan that meets the legal definition of a caravan and is used for the purposes relating to the primary agricultural use of the land typically does not constitute development under the 1990 Act, as there would be no operational development and, in the main, no material change of use. However, in this case, the appellant has not discharged the burden of proof to satisfy me that, on the balance of probabilities, the land was in agricultural use and that the proposed use of a caravan would not amount to a material change of use of the land that would require express planning permission.

Conclusion

21. For the reasons given above I conclude that, had the Council refused to grant an LDC in respect of the siting of a caravan for purposes ancillary to the agricultural use of the land, that refusal would have been well-founded and the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act (as amended).

S A Hanson

INSPECTOR