
Appeal Decisions

Hearing held on 13 May 2026

Site visit made on 13 May 2026

by Grahame J Kean B.A. (Hons) Solicitor, MRTPI, MiProW

an Inspector appointed by the Secretary of State

Decision date: 23 June 2026

Appeal A Ref: APP/B5480/C/26/3377437

Appeal B Ref: APP/B5480/C/26/3377438

Appeals C1 to C16 Refs:

APP/B5480/C/26/3377383/84/85/86/87/88/89/90/91/92/93/94/95/96/97/98

Land NE Side of Church Road, Noak Hill, Romford, Essex, RM4 1LD

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeals are made against an enforcement notice (EN1) issued by the Council of the London Borough of Havering.
 - Appeal A is made by Mr Darren Ward.
 - Appeal B is made by Mr Frank Mongan.
 - Appeals C1 to C16 are made respectively by Mr T Mongan; Ms Stephanie Mongan; Mr Patrick Ward; Mr John Ward; Ms Nicola Phillips; Mr John Joseph McDonagh; Ms Shirley McDonagh; Ms Mary Natasha McDonagh; Mr Sean O'Donaghue; Ms Mary O'Donaghue; Mr Jamie Mongen; Ms Josephine O'Donaghue; Mr Joseph McDonagh; Mr Joseph McDonagh Senior; Mr Patrick Gallagher; Ms Windal McDonagh.
 - The notice was issued on 4 December 2025.
 - The breach of planning control as alleged in EN1 is: without planning permission, the material change of use of the land for the stationing of mobile homes and touring caravans for residential use.
 - The requirements of EN1 are:
 1. Cease the use of the land for residential purposes and for the stationing of mobile homes and touring caravans;
 2. Remove all the mobile homes/caravans from the site;
 3. Remove all other debris, rubbish or other materials accumulated as a result of taking steps (1) – (2) above.
 - The period for compliance with the requirements of EN1 is two months after the date when this Notice takes effect.
 - Appeal A is proceeding on the grounds set out in section 174(2)(a), (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), applications for planning permission are deemed to have been made under section 177(5) of the Act.
 - Appeal B is proceeding on the grounds set out in section 174(2) (a), (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), applications for planning permission are deemed to have been made under section 177(5) of the Act.
 - Appeals C1 to C16 inclusive are proceeding on the grounds set out in section 174(2) (e) and (g) of the Town and Country Planning Act 1990 (as amended).
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Appeal D Ref: APP/B5480/C/26/3377439

Appeal E Ref: APP/B5480/C/26/3377440

Appeals F1 to F16 Refs:

APP/B5480/C/26/3377399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414

Land NE Side of Church Road, Noak Hill, Romford, Essex, RM4 1LD

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeals are made against an enforcement notice (EN2) issued by the Council of the London Borough of Havering.

- Appeal D is made by Mr Darren Ward.
 - Appeal E is made by Mr Frank Mongan.
 - Appeals F1 to F16 are made by respectively: Mr T Mongan; Ms Stephanie Mongan; Mr Patrick Ward; Mr John Ward; Ms Nicola Phillips; Mr John Joseph McDonagh; Ms Shirley McDonagh; Ms Mary Natasha McDonagh; Mr Sean O'Donaghue; Ms Mary O'Donaghue; Ms Josephine O'Donaghue; Mr Jamie Mongen; Ms Julie Ann Mitchell; Mr Joseph McDonagh; Mr Patrick Gallagher; Ms Windal McDonagh.
 - The notice was issued on 4 December 2025.
 - The breach of planning control as alleged in EN2 is: without planning permission, operational development involving building and engineering operations to form a new traveller site with associated erection of pitch and boundary fencing, the formation of new hardstanding's [sic] and the creation of hard surfaces in order to form new pitches.
 - The requirements of EN2 are:
 1. Remove all structures, equipment and other items associated with the residential use and stationing of mobile homes and touring caravans from the site; AND
 2. Remove all hard surfaces, hard core, aggregates, building materials, rubble and debris from the site AND
 3. Remove all close boarded fencing erected since 28th November 2025 whether as boundary fencing or fencing to pitches AND
 4. Remove all accumulated materials from the site when taking steps 1 to 3 above AND
 5. Restore the land to its former condition.
 - The period for compliance with EN2 is two months after this Notice takes effect.
 - Appeal D is proceeding on the grounds set out in section 174(2)(a), (g) of the Town and Country Planning Act 1990 (as amended). 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.
 - Appeal E is proceeding on the ground set out in section 174(2)(a), (g) of the Town and Country Planning Act 1990 (as amended). 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.
 - Appeals F1 to F16 inclusive are proceeding on the grounds set out in section 174(2) (e) and (g) of the Town and Country Planning Act 1990 (as amended).
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Decisions

Appeals A, B, D and E

1. It is directed that the period for compliance in each notice is amended to read four months instead of two months.
2. Subject to these variations, the appeals are dismissed, the enforcement notices are upheld and planning permission is refused on the applications deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeals C1 to C16 and F1 to F16 (inclusive)

3. The appeals are dismissed.

Procedural matters

4. Appeals C1 to C16 and F1 to F16 have been determined on the basis of written representations received.
5. In relation to Appeals A, B, D and E, at the hearing counsel for the appellants and the agent accepted that there was a paucity of evidence concerning the personal circumstances of those occupying and who intended to occupy the site. They clarified that the basis of their appeals was that the site was suitable for a Gypsy and Traveller site.

6. Integral to these decisions where the grounds of appeal (a) and (g) apply, has been the exercise of duties under the Human Rights Act 1998. Article 8 and Article 1, Protocol 1, of European Convention on Human Rights (ECHR) affords a person the right to respect for their private and family life, their home and their correspondence, and the right to peaceful enjoyment of their possessions. There is a positive obligation to facilitate the Gypsy way of life to the extent that the vulnerable position of Gypsies and Travellers as a minority group means some special consideration should be given to their needs and different lifestyle in the regulatory planning framework and in reaching decisions on particular cases. This qualified right requires a balance between the rights of the individual and the needs of the wider community. Also, in the Equality Act 2010, the public sector equality duty (PSED) requires me to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations. Gypsies and Travellers are an ethnic minority with the protected characteristic of race and from the evidence, although very slight, it appears that there are persons on the site with the protected characteristics of age and disability. The PSED is engaged in these appeals but decisions must be proportionate to legitimate planning aims.

Preliminary matters

Ownership of site

7. EN1 and EN2 cover the same area of land. Originally under single ownership¹, it is now divided into four parcels. The lead appellants, Darren Ward and Frank Mongan who it is undisputed come from Irish Traveller background and within the definition of Gypsy and Traveller in the Planning Policy for Traveller Sites (PPTS), occupy the appeal site.
8. Mr Jack Thursting acquired the appeal site through a company that he controls, High Top Roofs and Gutters Limited, on 2 May 2025. He then, on 1 December 2025, subdivided the land and transferred most of it in three parcels. The first to Francis Mongan, ie the appellant. This was the land subject to proposals to place 8 unit and 6 unit pitches thereon. The second parcel was sold to Thomas Mongan, supposed to be Mr T Mongan, one of the appellants herein. This was the land on which further siting of caravans has evidently taken place, also as described above. The third parcel was sold to joint owners, James McDonagh and Joseph McDonagh, assumed to be appellants among the C and F series of appeals herein.
9. At the time of my site inspection, the third parcel remained undeveloped. The remainder of the appeal site appears still to be owned by Mr Thursting's company, an irregular shaped area at the top of the site where rough pasture transitions to overgrown vegetation which obstructs access to Public Footpath (FP) 13.

Public rights of way in and around the appeal site

10. The Council's submitted "public rights of way" plan was inadequate but during the hearing I was also provided with a copy of the definitive map and statement and other aerial images. They clarified, with HM Land Registry and other plans, that FP12 ran inside the western boundary of the appeal site from Church Road to join

¹ Apart from a small rectangular parcel adjacent to the development at Crown Kennels. This area was previously fenced off from the rest of the appeal site, but the fencing has now been removed and the land is indistinguishable from the rest of the appeal site, albeit it is in separate ownership.

FP13. FP14 started from a point further along Church Road and ran along the private vehicular access known as Benskins Lane. FP14 connects to FP13 which then runs above the appeal site, connecting to FP12 above its northern boundary.

11. The Council understands that it has a statutory duty under s130 Highways Act 1980 to assert and protect the rights of the public to the use and enjoyment of any highway (including public footpaths) for which they are the highway authority. It's duty is also specifically to prevent, as far as possible, the stopping up or obstruction of the highways for which they are the highway authority.
12. On the site inspection it was found that FP12 was obstructed at the Church Road end by closed high metal gates with heavy equipment placed in front of them. The Council officer removed this equipment and with some effort opened the gates, enabling the site inspection attendees to pass through. The point at which FP12 and FP13 cross was, as stated, impassable at the top of the appeal site and therefore access could not be gained to FP14 from this direction, due to overgrown vegetation on that part of the site ostensibly still owned by Mr Thursting's company. It was also clear from the site visit that along FP12 several trees were badly damaged in erecting the fencing. I was told that no tree survey has been submitted or carried out.
13. The Council also understands that it is responsible for the Definitive Map and Statement for public rights of way within its area and it has a statutory duty to keep the map up-to-date and maintain the public rights of way network. Furthermore, under s60 of the Countryside and Rights of Way Act 2000 it is required to prepare and publish a Rights of Way Improvement Plan (RoWIP).² Such a plan evaluates whether the local rights of way network meets the current and future needs of the public and states the actions the Council proposes to take to manage and improve the network. However, I was told the Council does not have a RoWIP.

Rapid development of the appeal site as a caravan site

14. At dawn on 28 November 2025 the appeal site was undeveloped, consisting of rough pasture. By c6.30pm the field was being worked on by diggers under floodlights by a large number of people. The Council's further description³ of what happened on site to precipitate enforcement (and stop) notices is also undisputed:

"The current enforcement case was opened on the 28th November 2025 as a result of a drive past the site. An anonymous phone call claimed that unauthorised development was commencing at the site. The drive past revealed very little if any activity circa 4pm on 28th November 2025. The council's offices then closed for the weekend. At 6.30pm whilst driving home the case officer witnessed that activity had started and that up to 8 "diggers" were at work on the green field carrying out earth moving under searchlights. A disciplined rapid unauthorised development of the field was under way. By Saturday 29th November 2025 Church Road was being blocked by convoys of 8-wheeler trucks attending the site in order to deposit materials and remove spoil. A video circulating on media shows this activity."

² s60 Rights of way improvement plans.(1) Every local highway authority other than an inner London authority shall, within five years after the commencement of this section, prepare and publish a plan, to be known as a rights of way improvement plan

³ Delegated report, section5.

15. This was a carefully planned operation over a weekend, quickly to install a caravan site on land purchased by Mr Francis Mongan and others for the purpose, and then laid out in pitches with hardstanding, fencing and concrete posts erected, electricity and lighting installed, connections for gas supply, drainage and the like. There was now even a domestic waste collection service, operating when the site was visited.
16. The development was clearly intended to be ready for occupation by the end of the weekend in question and presented a fait accompli for the Council which it had to consider. A report recommending enforcement action was prepared by 2 December and signed off on 4 December 2025. It stated that the development was understood to be carried on by travellers for their own occupation and none of the travellers appeared to be currently residing on traveller sites in the Council's district. As to this latter assertion, no persuasive evidence to the contrary has been provided.

Development continued after service of the enforcement and stop notices

17. It would seem service of both notices occurred on site in the presence of Metropolitan Police officers on 4 December 2025, ie immediately after issue earlier that day, and a stop notice served following service of the enforcement notices.
18. Notwithstanding, the site has continued to be developed unlawfully and deliberately. When I visited, apart from two "bays" towards the front of the site, ie closer to Church Road, which contained 8 and 6 pitches respectively, development had continued in like fashion with several more bays, up to a line across the appeal site, commensurate with the north east boundary line of Wildflowers Lodge on the other side of the access road, as seen on the plan attached to the notices.
19. Thus, much more of the appeal site is now laid out as a caravan site than is contained within the two areas in which the lead appellants are interested. In all I counted 29 separately fenced off pitches. They contained, variously, static vans, tourers, close boarded timber fencing with concrete posts and attached external lighting, several large metal decorative entrance gates, dayrooms or hygiene units, vehicles including cars and vans, two mini tractors, all surrounded comprehensively by hardstanding throughout the developed area of the site. Although it seems that some people have taken up residence, the site is very much a development that is still in progress. There are significant hazards on site, common access areas included large mounds of earth waiting to be removed or redistributed, uneven surfaces, general rubble and detritus in several areas, pooling of water in sunken areas of hardstanding, and pipework and loose cables sticking out of the ground.
20. Mr Francis Mongan was identified by the agent and Council officer on the site inspection as occupying a pitch at the front of the site by Church Road. However, he was not present at the hearing and did not take part in the accompanied site inspection. It transpired that Mr Darren Ward, the other lead appellant, had gone on holiday abroad two days before the hearing. The representatives at the hearing were instructed solely by these two appellants but lacked any detailed instructions whatsoever as to the circumstances of the occupants of the appeal site.

Ground (e) on Appeals C1 to C16 and F1 to F16

21. An appeal on this ground is that the notice was not properly served on everyone with an interest in the land. In his appeal form, Mr T Mongan (M) the lead appellant

acknowledged through Mrs Ali, a planning agent, that on 4 December 2025, a stop notice and two enforcement notices “were issued at the application site”.

22. Of course, there is a difference between issuing and serving a notice. Specifically, M alleges that the Council did not serve everyone named within a “gypsy status” statement apparently sent with the related planning application made on 28 November 2025. This statement said to be part of the planning application was not submitted by the Council or by the appellants. It is further said that only five persons identified as site occupants were served, the Council was so aware and there was allegedly no attempt to serve individual persons named as occupants. The Council is also said to have known that the occupants cannot read or write, and the alleged lack of proper service has disadvantaged them.
23. Among those served with (both) notices was the registered freehold owner of the appeal site, ie the company owned by Mr Jack Thursting, the legal owner as at 28 November 2025 when the Council searched HM Land Registry. Since then, Mr Thursting’s position, stated through a company called Legal Resolutions Limited, is that he transferred his legal and beneficial ownership of the affected land to Francis Mongan, Thomas Mongan, and (as joint owners) James McDonagh and Joseph McDonagh by transfers dated 1 December 2025. This appears incorrect because, as noted, not all of the appeal site was transferred. However, these parties were served with the notices and the Council included these persons as owners and the occupiers, supplying copy certificates of service.
24. I am satisfied from the evidence that service occurred on site on 4 December 2025. The evidence, including photographic evidence, is that in addition on 5 December 2025 officers: *“again attended the Site and affixed copies of each Enforcement Notice, its plan and the PINS appeal sheet plus a full Stop Notice to the new fencing erected at the frontage of the Site.”* Each notice was stated not to take effect and come into force unless appealed by 16 January 2026, a period longer than the 28 days strictly necessary, to allow for the possibility of planning agents’ offices being closed over the holiday period.
25. A planning application ref P1483.25 was received on 1 December 2025, so the applicant Mr P Doran was included as a party served with both enforcement notices. Both sets of agents for the applicants were notified of the issue of the notices by email on 5 December 2025, with a link to the entries on the Council’s web site. Other action was taken as noted in the Council’s statement. I am satisfied that it did as much as possible to make the relevant parties aware of the notices.
26. Section 176(5) of the Act 1990 states that any question of failed service may be discounted if neither the appellant nor the party not served have been substantially prejudiced. The persons concerned have been able to make their appeal. I note the numbers of persons joined into the appeal. Their agent was made aware of the notices on 5 December 2025 and again of the issue of the further letters and copies of the notices to the applicants on 12 December 2025.
27. The issue remains whether the enforcement notice was properly served on everyone interested in the land. Insofar as there may have been occupants of the land at the time when the notice was served, I am satisfied that the notices were properly affixed to the land clearly addressing the owners and occupiers thereof, the Council having previously made diligent efforts to identify named persons.

28. The appellants did not provide a statement on ground (e) but made “final comments” on the Council’s statement. It is incorrect that adequacy of service must be assessed “*at the point the notices were issued*”; what matters is that a notice is served within the required period. Furthermore, there would be nothing improper in reinforcing service by additional actions such as were taken in the case of the “by hand” and other letters of 12 December, a date that still allowed the full 28 period until the enforcement notices were due to come into effect, ie 16 January 2026.
29. No details have been provided that persuade me there was a failure to serve the notices correctly. I find that proper service was effected on the appellants who were able to appeal without being caused injustice. The appeals on this ground fail.

Ground (a) on EN1 and EN2 for Appeals A, B, D and E

Appellants’ 8 unit and 6 unit schemes

30. An 8-pitch scheme was refused planning permission in March 2026, ref P1530.25, as was a 6-pitch scheme, also in March 2026, ref P1483.25. The pitches have not been laid out on site in a way that reflects either scheme.
31. With regard to these schemes, each unit is proposed to be laid out in the same way, comprising a mobile home, a tourer, day room, two parking spaces and a moderate amount of hardstanding within a plot laid to grass and bounded by a post and rail fence. The appellants claimed that the EN would “*affect 16 mobile homes*” without specifying the details of occupants, but that is clearly no longer the case, as the notice if upheld, would require removal of all mobile homes, occupied or not.
32. The appellants’ statement also had it that since the refusals, “*the current proposal has been reduced in scale, including the removal of the day room and the reconfiguration of development to provide three additional mobile units*”. I was concerned that it was not open to an appellant to amend the application deemed to be made on the making of the appeal on ground (a) unless it is a scheme that falls within the scope of s177(1)(a), ie unless it could be a permission “*in respect of the matters stated in the enforcement notice as constituting a breach of planning control, whether in relation to the whole or any part of those matters or in relation to the whole or any part of the land to which the notice relates.*”
33. I therefore queried this with the appellant and Council before the hearing, as to whether the changes fell within sub-paragraph (a). It was not until the Council had explained its view when the hearing was underway, that I was informed that the proposed reduction in scale was in error and related to an entirely different case.
34. In any event, I have considered Appeals A, B, D and E on the basis of the position on site when the notices were issued, as well in light of what has now occurred, which bears no resemblance to these earlier proposals.

Matters of common ground between the parties

35. These were that:

- the appeal site lies within the Metropolitan Green Belt.

- the Council cannot demonstrate a five-year supply of deliverable Gypsy and Traveller pitches and there is an identified unmet need for Gypsy and Traveller accommodation within the Borough.
- the appeal site immediately adjoins an allocated and consented Gypsy and Traveller site which was removed from the Green Belt in 2021.
- the site is not located within a Conservation Area, Flood Zones 2 or 3, Area of Outstanding Natural Beauty, or within the setting of a listed building.

36. A list of agreed conditions was submitted, if permission were to be granted.

The development plan and national policy

37. The development plan comprises the Havering Local Plan 2016 – 2031, adopted in November 2021 (HLP) and the London Plan published in March 2021.

38. The London Plan Policy G2 protects London's Green Belt. Development that would harm the Green Belt should be refused except where very special circumstances exist. Policy H14 requires Boroughs to actively plan for gypsy and travellers' accommodation needs. In the HLP key policies are Policy 11 gypsy and traveller accommodation, Policy 26 urban design, Policy 27 landscaping, Policy 30 biodiversity and Policy 32 flood management. Policy 11 part (1) identifies and addresses accommodation needs and part (2) sets out development criteria for traveller sites. The policies are generally consistent with the NPPF and are up to date save that with reference to Policy 11(1) the Council now accepts there is no 5-year supply of pitches.

39. The National Planning Policy Framework (NPPF) is an important consideration as is the PPTS which should be read in conjunction with the NPPF.

Main issues

40. These are:

- whether inappropriate development in the Green Belt exists, including whether the appeal site is grey belt, the contribution made to check the unrestricted sprawl of large built-up areas and whether it is a sustainable location;
- if inappropriate development, the effect on openness;
- character and appearance of the area, including visual and landscape impacts;
- impact on protected species and biodiversity;
- surface water drainage and flood risk;
- weight to be given to intentional unauthorised development; and
- if inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations amounting to the very special circumstances required to justify the development.

41. I should record that the appellants' representatives told me in terms that no temporary permission was being sought in these appeals.
42. Other considerations that may weigh in favour of the development include the general need for traveller sites, with particular regard to the level of local provision and need for sites, the availability (or lack) of alternative accommodation for the occupants that is affordable, suitable and acceptable; and the personal circumstances of the occupants, so far as is known, which takes account of the best interests of the child as a primary consideration.

Whether inappropriate development

43. The appellants accepted that the development would give rise to some impact on openness and therefore the proposal did not fall within the exceptions set out in the NPPF, paragraph 154 and was inappropriate development.⁴
44. However, at the hearing the appellants clarified that they considered the site was "grey belt" land as set out in NPPF, paragraph 155. It was neither disputed that the appeal site was not previously development land (PDL) for these purposes, nor that there was a demonstrable unmet need for Gypsy and Traveller pitches.
45. The disputed matters were firstly, whether the site is "*land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143*". The purposes related to the contribution made to (a) check the unrestricted sprawl of large built-up areas; (b) prevent neighbouring towns merging into one another; and (d) preserve the setting and special character of historic towns.
46. Purpose (d) is agreed to be inapplicable. The site is said by the appellants to make no contribution to Purpose (b) whereas the Council maintains that it forms a small part of the gap between towns. Having regard to the wider topographical context of the area I agree that there is no strong contribution to Purpose (b).
47. That leaves Purpose (a). Planning Policy Guidance (PPG) explains⁵ that land which makes a strong contribution is typically free from existing development and lacks physical features in reasonable proximity that could restrict or contain development. Such land can often be adjacent to or near to a large built-up area, or if developed, result in an incongruous pattern of development, such as an extended finger of development into the Green Belt.
48. The character of the site prior to being unlawfully developed was open and free from built development, used for grazing purposes. The appeal site and adjoining land are in the open countryside. There are physical features nearby such as the adjacent dwelling and associated curtilage at The Poplars and the residential development at Crown Farm Kennels. The adjacent caravan site is excluded from the Green Belt. The Kennels only partly contain the site. The Poplars has a large rear curtilage comprising open land with open fields beyond. Public footpaths run through and around the site. The appeal site is quite close to the built-up area of Harold Hill, a suburb of Romford being on the edge of London's urban sprawl. It is thus near to the large built-up area of London and within an area of London's Green Belt that separates the capital from the built-up areas in Essex.

⁴ Statement of Case, paragraph 2.2

⁵ Paragraph: 005 Reference ID: 64-005-20250225

49. The site is not isolated from other development, but the issue is rather whether physical features exist in reasonable proximity that could restrict and contain development. The wording used in the PPG is “restrict and contain”. The examples given are typical but not exhaustive, in judging how strongly a site assists in checking the unrestricted sprawl of large built-up areas.
50. Viewing the context of the site as described, the fields to the south, on the opposite side of Church Road could come under pressure for development if more development occurred in this location such as the appeal site. Clearly the adjacent caravan site, with permission for up to 25 mobile homes, is a substantial “built” presence with a clear and defensible edge to development of the appeal site. However, the patchwork development to the west provides no permanent and resilient boundary, whilst to the north obtains the confluence of public footpaths, open fields and golf course beyond. In overall terms and whilst the context may not be a typical example found in PPG, I find that the appeal site does make a moderately strong contribution to Purpose (a).
51. The second disputed matter is whether the development is in a sustainable location, with particular reference to paragraphs 110 and 115 of NPPF, but also with particular reference to PPTS, paragraph 13. The officer’s report concluded that the site was not sustainably located, based primarily on its public transport accessibility level (PTAL) of 0, limited pedestrian infrastructure, including absence of footways and the presence of a narrow rural lane with high verges.
52. It is asserted that paragraph 13 *“provides a more nuanced and context-specific approach, recognising that traditional metrics of accessibility—derived largely from urban contexts—are not always appropriate or determinative in rural settings.”*
53. I disagree. It is an odd assertion as paragraph 13 is concerned with the content of policies, listing criteria a) through h), of desirable policy aims. It is part of Policy B within PPTS, a policy about policies, ie development plan policies. Paragraph 13 does seek to ensure that traveller sites are sustainable economically, socially and environmentally, ie sustainability should be considered in the round. However, metrics of accessibility are not discussed, and the appellants did not advance persuasive evidence of alternative measurements. It is Policy H that has to do with determining applications for traveller sites. Paragraph 23 reinforces the primacy of the development plan and for sustainability, paragraph 24 requires applications to be determined in accordance with the presumption in favour of sustainable development, applying specific policies in the NPPF and PPTS for traveller sites.
54. Nevertheless, matters referenced in paragraph 13 are generally relevant, ie the need to promote access to appropriate health services and ensure that children can attend school on a regular basis. Schools, a medical practice and convenience stores are c8 minutes away by car and a range of services can be found travelling by car. However, the fact remains that the PTAL of the site is zero, the worst level on the scale. The only bus stop anywhere near the site is c1.9k away, on one side of the road only, the route thence to the site has no footways and requires walking on the verge or carriageway. Overall, the site is very poorly served by public transport and residents would be reliant on private cars for practically all travel.
55. I recognise that opportunities to maximise sustainable transport vary between urban and rural areas (NPPF paragraph 110) and the borough is not well provided

with public transport services for some journeys such that there are often no practical alternatives to making journeys by car. That does not provide a compelling reason to accept a development that would significantly increase vehicular traffic movements in light of current national and local planning policy, which has only focussed the more strongly on aims to increase modal shift, since the appeal decision submitted on the 10 pitch site at New Acres, Benskins Lane in 2022.⁶

56. Paragraph 110, NPPF requires significant development to be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. There are broad proposals in the local plan to provide better links between Romford and Harold Hill but the appeal site would not appear to benefit therefrom, even if implemented. Paragraph 115 requires that “*sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location*”.
57. The NPPF does not require rural sites to achieve the same level of accessibility as urban locations, but that does not in itself provide a compelling reason to accept the principle of locating development, including gypsy and traveller development in an otherwise unsustainable location such as the appeal site, even having regard to the need to avoid an urban-centric interpretation of accessibility.
58. Another appeal decision is cited (Heron Hill Lane)⁷, where permission was granted for a site accessed via a narrow, unlit rural lane with no footways, and no shops or services in convenient walking distance. With the current appeals, the length of journey to the bus stop would be arguably greater. In any case it is evident that permission was sought for a single pitch and mobile home in the Heron Hill appeal, but the scale of development in the current appeals is of an entirely different order.
59. It was estimated⁸ that typical additional daily vehicular movements are expected to number around 30-40 vehicular trips per day “but could be higher” and that was just the estimate for the refused 8- and 6-unit schemes. The development conflicts with HLP Policy 12 in failing to be in a well-connected location to enable active travel and Policy 23 in failing to ensuring good sustainable access between new developments and public transport interchanges in the borough to promote active travel.
60. I find that given the above factors, the development results in an unacceptable reliance on private motor vehicles and is in an unsustainable location, added to which there is a moderately strong contribution made by the site to preventing urban sprawl. Therefore, concluding on the issue of grey belt I find that the site is not grey belt and the development is inappropriate development in the Green Belt.

Openness

61. A significant part of a previously undeveloped field has been turned into a large caravan site, as described above. This amount of development is likely to produce considerable traffic generation. It has produced deleterious effects on the openness of the Green Belt both in terms of spatial and visual amenity.

⁶ APP/B5480/C/20/3265817, APP/B5480/W/20/3263355 19 December 2022.

⁷ Ref APP/K2230/C/24/3349903, 19 March 2026

⁸ Landscape and visual assessment submitted by appellants.

62. The development causes substantial harm to the openness of the Green Belt. I was told that the appellants did not seek any temporary permission but in any case the impacts for any temporary period would in my view still be considerably adverse.
63. In addition, the appellant's landscape and visual impact report acknowledges⁹ that the development has exacerbated encroachment into previously undeveloped countryside. The NPPF at paragraph 143 makes it clear that one of the purposes of the Green Belt is to assist in safeguarding the countryside from encroachment.
64. In summary the creation of a traveller site, with the combination of use and works, has not preserved the openness of the Green Belt and conflicts with the purpose of including land within it or restricting urban sprawl. Inappropriate development has occurred, which by definition is harmful to the Green. The loss of openness is serious, leading me to conclude that the totality of the harm to the Green Belt has very substantial weight.

Character and appearance including landscape setting

65. A landscape and visual appraisal (LVA) is submitted¹⁰ by a chartered landscape architect. It accepts that the development has caused harm to the landscape setting by replacing an area of paddock. It also accepts that the works may have intruded on the root zone of retained neighbouring trees.¹¹ As I saw, the development clearly impacts on the root zone of some trees, mature specimens, which have themselves been damaged whilst erecting fencing for the pitches.
66. The LVA is submitted for both change of use and operational development appeals, on the basis that they relate *"to only the south-western end of the site for two portions of the land, together amounting to approximately 0.85 hectares"*. However, the deemed application covers the whole site. No evaluation has been made of the further development that has taken place further up the site as I have described.
67. It is also incorrect to state that no tree or hedge vegetation appears to have been removed; to the contrary a significant amount of vegetation has been removed in constructing the fencing, concrete posts and hardstanding at the front of the property, as well as damage to trees along FP12. Before the unauthorised development, this footpath was a field-edge path and views would have been obtainable across the site between Church Road and the intersection with FP13.
68. The LVA report also states that no intervisibility with the appeal site has been identified from local "operable" paths but if FP12 were reopened the assessed level of effect could be moderate or moderate/substantial for a short section. It is said that mitigation hedge planting would be possible but that would not mitigate the loss of views across the site.
69. The report also said that no other views from local footpaths were identified. However, landowners are required to keep public rights of way on their land clear of obstructions. It is clear from the site visit that if the blocked intersection with FP12 and FP13 were removed and the vegetation cleared, views would also be obtainable over the site from this vicinity. Whilst the Council officer, on the site

⁹ LVA report, paragraph 10.7

¹⁰ February 2026,

¹¹ LVA Report paragraph 10.5

inspection, was able to remove the obstruction at the junction of FP12 and Church Road, clearly both obstructions remain the landowner's responsibility. The HM land registry land ownership plan clearly shows the path, or at least half the width thereof up to Crown Farm Kenels, as inside the appeal site¹². Although it is a relatively short section FP12 is an integral part of a network of public paths in the immediate vicinity, the enjoyment of which by public users consists of or includes making use of the continuous network of paths. In my view this should have been considered also in the context of visual cumulative effects.

70. In any event, the development has increased dramatically the scale of landscape change in the immediate locality and from what I have seen, the appeal site is undoubtedly the most prominent developed land given its location next to Church Road. The new boundary fencing and static caravans are visible through the roadside vegetation for a substantial stretch of the road.
71. Much is made in the LVA report of the degraded nature of the previous lawful use of the land as a paddock, but it is still open countryside where, as the NPPF at paragraph 187 advises, planning decisions should recognise the intrinsic character and beauty of the countryside for its own sake. The report does not go into detail about what is meant by "degraded". It is rough pasture. No evidence is brought concerning the underlying agricultural quality or classification of the soil. The report refers to local surface geology derived from slowly permeable calcareous clay soils, which is commonly understood as moderate to good quality agricultural land.
72. I agree with the Council that the visual and landscape impacts arising from the development are not acceptable. The existing traveller caravan site to the right of Common Lane can be contrasted with the appeal site as it enjoys planning permission and is specifically removed from the Green Belt. The appeal site by contrast is not PDL and its development has resulted in a significant intensification and substantial built presence in the vicinity.
73. PTTS, at paragraph 26 states that new traveller site development should be very strictly limited in open countryside away from existing settlements or outside areas allocated in the development plan. Also, at paragraph 14, Policy C: Sites in rural areas and the countryside, it states:
- "14. When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community."*
74. I note that the supporting text to HLP Policy 27 defines landscape as the character, design and appearance of all of the spaces between buildings. The appeal site provided a visual and spatial buffer between adjacent pitches, other development and open space beyond the boundaries of the site, making a positive contribution to the green landscape of this part of Church Road and its semi-rural setting. I do not read "scale" in the context of Policy C, as does the appellant's agent, solely in relation to percentages of populations. The unauthorised development in conjunction with the permitted site, is of a combined scale that in my view now risks dominating the wider community of residential units to the south associated with the

¹² This is probably deliberate the owner is presumed to own up to half the width of the soil of public right of way adjoining their land. There is no evidence before to rebut that presumption.

area of Noak Hill, not necessarily in numerical terms, although no evidence was led on that aspect, but in terms of creating too large a segregated sub-community, militating against integration with the existing settled community. Indeed, the hard landscaping and fencing reinforces the impression that the site and its occupants are deliberately isolated from the rest of the community.

75. Additional landscaping, boundary treatment and visual mitigation measures are potentially capable of mitigating the harm. Conditions are proposed. However, it is doubtful whether I can with confidence assume that, given what has taken place with the deliberate and permanent nature of the infrastructure now installed. There is a complete lack of soft landscaping throughout the site which has been deliberately designed and laid out comprehensively and permanently with hardstanding. In any event, harm to the character of the area would be mitigated but not overcome by landscaping.
76. The site now contains several pitches, mobile homes, vehicles and activity that amount to a significant intensification of residential use in situ. The associated areas of hard-surfacing and pitches delineated by formal urban-form boundary treatments give an unwelcome appearance of urbanisation of the site that fundamentally undermines its established open character. The scale of the unauthorised development is considerable and in stark contrast to the pre-existing condition of the site.
77. I conclude that the harm caused is considerable and conflicts with HLP Policy 11 in failing to provide high quality boundary treatment and landscaping and adversely affecting the visual amenity of the locality, Policy 26 in failing to provide high quality design and Policy 27 in among other things, failing to take full account of the landscape character of the site and its wider setting, failing to protect mature specimens of trees in constructing the development and failing to maximise opportunities for soft landscaping or provide boundary treatments sympathetic to its surroundings.
78. It is also contrary to the objectives of the NPPF, in particular paragraph 135 whose aim is to secure development that adds to the overall quality of the area and is sympathetic to local character, including the surrounding built environment and landscape setting.

Biodiversity

79. HLP Policy 30i) seeks to ensure that impacts of development on protected sites and species are fully assessed and if significant harm cannot be avoided or adequately mitigated, planning permission will normally be refused. Where a development cannot satisfy the requirements of this mitigation hierarchy, planning permission should be refused as indicated in paragraph 186 of NPPF.
80. The site was neutral grassland before the unauthorised development. The Council's officer suggested that it could have been suitable habitat for great crested newts and this matter was discussed at the hearing, however the parties could not agree that the site was unlikely to have supported protected species prior to, or after, occupation. The Council also remained concerned that insufficient information on mandatory biodiversity net gains has been submitted.

81. The evidence before me suggests that it is possible that the unauthorised development could have had a significant impact on protected species or their supporting habitat.
82. Applications are required to deliver a mandatory 10% measurable biodiversity net gain, unless exempt.¹³ The information provided¹⁴ was said to be incomplete in that the baseline habitat plan for the appeals did not include the access path to the east and extends further north, and the habitat within the red line boundary of the baseline habitat plan includes only modified grassland. Clarification was required as to which habitats are included in the red line boundary.
83. There seems no reason why a condition could not ensure that sufficient ecological information is available to ensure that the development would not result in any significant ecological impact on protected species, particularly Great Crested Newt. If necessary, such a condition could be made retrospective, ensuring that the development is removed and the site restored to its former condition, if the requisite information is not forthcoming within a reasonable time from the grant of any eventual permissions on the deemed applications.
84. With this type of condition in place I am satisfied that the development could be made compliant with HLP Policy 30i) and achieve the necessary degree of mitigation pursuant to paragraph 186 of the NPPF.

Surface water run-off

85. National policy within the NPPF is clear that development should not be prevented or refused on flood risk grounds where suitable mitigation measures can be secured. In this instance, any residual matters relating to surface water drainage could if necessary be appropriately controlled through the imposition of planning conditions, including the submission and approval of a detailed drainage strategy within a short timeframe, again made subject to retrospective provisions, to be included in a site development scheme condition.

Intentional unauthorised development

86. The agent accepted at the hearing that intentional unauthorised development (IUD) took place and said the weight to be attached thereto should be limited.
87. On 31 August 2015 the government introduced a planning policy making intentional unauthorised development (IUD) a material consideration in the determination of planning applications and appeals. It was laid in the House of Commons on 1 December 2015 as a written ministerial statement (WMS). A concern of the Government was that there may be no opportunity appropriately to limit or mitigate harm that has already taken place. The WMS refers to such development involving local planning authorities having to take expensive and time-consuming enforcement action. The policy applies to planning applications and appeals and to the settled and the traveller community equally.

¹³ ie under paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

¹⁴ Small Sites Metric (completed April 2026), Biodiversity Net Gain Statement (April 2026), Habitat Assessment (SJM Planning, no date) and proposed habitat plan (SJM Planning, no date).

88. The establishment of the pitches has prevented a full biodiversity survey from being undertaken prior to occupation to confirm the presence or otherwise of protected species. It has also eroded the neutral grassland in the site through the replacement of grazing land with hardstanding. Fencing has been erected. The physical works are extensive and have caused damage to landscape features such as hedgerows and trees.
89. The appellants only sought to obtain planning permission at the last moment after most of the planning and implementation of the works had been carried out. The works were committed in a co-ordinated way and flagrantly, timed over a weekend, and continued despite refusal of the applications and service of a stop notice, occasioning actual harm to trees which it has not been possible to mitigate. The WMS is engaged and is a material consideration, the actions of the appellants illustrating precisely what it was aimed at. There has been no opportunity to limit or mitigate the harm that has taken place from this development. It has generated multiple planning applications for retrospective permission, and a hearing with associated costs to the public purse. For these reasons, I attach very significant weight to this consideration.

Gypsy and traveller accommodation need and supply

90. There is a generally recognised need for traveller sites nationally and in Greater London. The Council cannot demonstrate a five-year supply of deliverable Gypsy and Traveller pitches and there is an identified unmet need for Gypsy and Traveller accommodation within the Borough.
91. HP Policy 11 cites the 2019 update of the gypsy and traveller accommodation assessment (GTAA) identifying a need for 220 pitches, ie 174 within the definition, 43 for those without, and 3 undetermined households. For 2016-201 the figures are 136 pitches for those within the definition, 33 for those without and 2 undetermined households. 162 pitches are identified in the list on Annex 6, and the remaining need for 2021-2021 of 7 pitches would be met via applications for pitches in the areas for growth during 2021-2026 (including Church Road, ie the permitted, not the appeal, site). After 2021 future needs would be addressed via national and locally based criteria in Policy 11(2). A recently undertaken GTAA, has initially concluded additional pitches are needed (mainly due to growth from existing sites). Work suggests that need is relatively high. The Council therefore accepts that at this time there is no 5-year supply and is "*considering commissioning a Pitch Deliverability Assessment (PDA) to seek to mitigate some or all of the 5-year need.*"
92. The PPTS states that outside the Green Belt, if an up-to-date 5 year supply of deliverable sites cannot be identified, this should be a significant material consideration when considering applications for the grant of temporary planning permission. The appellants made it clear that they were not seeking a temporary permission, however the lack of a 5 year supply remains a significant consideration in favour of these appeals.

Personal circumstances and need

93. It was asserted that some adults require specific access to medical support and there were children on the site who have health and education needs, with

diagnoses of autism and ADHD¹⁵. No evidence whatsoever to substantiate such claims was brought forward, from health practitioners or other persons or bodies, nor did any occupant or intended occupant attend the hearing to explain their circumstances or those of their families, personally or through representatives.

94. The best interests of children living on the land are a primary consideration under the United Nations Convention on the Rights of the Child 1989 art.3(1) but not the primary or the paramount consideration¹⁶. The starting point in Green Belt cases is to attach substantial weight to the best interests of the child, according with the substantial weight to be attached to the harm to the Green Belt. It is then a matter for the decision maker whether that weight may be reduced, giving adequate and intelligible reasons.
95. No details were provided in these appeals as to what, if any, alternative accommodation the appellants may have had access to, and therefore no opportunity to assess whether other safe places to live are available. Furthermore, it was said that *“some of the intended occupants are not living on the site and are stopping temporarily locally (often unlawfully) pending the outcome of this application.”*
96. I also bear in mind that firstly, the appellants do not seek any form of temporary planning permission. Secondly, the weight that the appellants, through their representatives, seek to have applied to the personal circumstances of occupants and intended occupants of the site, is “moderate”. Thirdly, it was undisputed that at least some pitches were according to the Council, being rented out to persons whose gypsy and traveller status was unknown.
97. Clearly, to the extent that there are children on site, which may well be the case, their best interests are a primary consideration. As to what those best interests are, the need for a settled base from where they can access education and health facilities should be recognised. However, there is no evidence that access to such facilities must necessarily be obtained from the appeal site. No particular school, or need for any occupier to be treated at a particular local hospital is advanced. In addition, having viewed the site I have concerns about its current condition as an ongoing development from a health and safety perspective.
98. There is no requirement in planning policy or case law to prove that no other sites are available or that particular needs could not be met from another site. Also, PPTS paragraph 25e) is clear that applications should be determined for sites from any Travellers, not just those with local connections. That said, it is the case that no evidence has demonstrated that the appellant group, individuals or families currently on the appeal site have been residing in and resorting to Havering to meet their accommodation needs. Nor was there evidence to demonstrate that all site residents are in need of a pitch to act as a settled base. The costs of the freehold purchase of the appeal site were not inconsiderable and the resources available to the instigators of the unauthorised development must equally have been substantial. It is for the appellants to adduce evidence on these matters such as whether there is a reasonable prospect of them being able to afford another site.

¹⁵ Attention Deficit Hyperactivity Disorder.

¹⁶ See *Dear v SSCLG* [2015] EWHC 29 (Admin).

99. Gypsies and Travellers generally have a cultural aversion to the prospect of bricks and mortar accommodation but the impacts in term of psychological health and well-being vary greatly in my experience. No evidence is brought forward as to individual impacts. The appeal statement is silent as to the position that obtains in respect of occupants or intended occupants, whilst it is noted that some have decided to move to the appeal site temporarily. This latter assertion is at odds with the position taken at the hearing which was to state in terms that they were not seeking any temporary planning permission, which would itself suggest that some form of alternative accommodation may be available to which to return or resort.
100. These circumstances and the lack of evidence to support the bare assertions made in the appeal statements, do not lead me readily to assume that the occupants had nowhere else to go to live that would have been suitable in terms of their accommodation needs.

Other considerations

101. Very special circumstances are said to exist, comprising the demonstrable unmet need for Gypsy and Traveller accommodation and the lack of a deliverable five-year supply of pitches, including a wider shortfall in provision to meet existing and in-migrating Gypsy and Traveller families. It was also said that the development would contribute to meeting unmet need, deliver secure, stable, and safe accommodation for families, and support their wider social, health, and educational wellbeing, reducing the need for long-distance travel, mitigating the environmental harm caused by unauthorised encampments, and improving access to essential services.
102. By providing a permanent base, the development supports these objectives, reducing pressure on other sites and facilitating improved access to healthcare, education, and employment. These benefits are of significant weight in the planning balance.
103. Other matters contended for as very special circumstances include that the development is well-contained within the landscape, has limited visibility from the surrounding area and protects the openness of the Green Belt. For reasons given above I do not accept this. The layout and design of the development is not of any special merit, to the contrary it has a heavily urbanising appearance and there are adverse effects on the character of the surrounding countryside. In addition, It is misleading to say that “the area” has been assessed and accepted as suitable for this form of development. Green Belt boundaries should be altered only in exceptional circumstances and any limited alteration to the defined Green Belt boundary to meet a specific, identified need for a traveller site, should only be through the plan-making process and not in response to a planning application. As it is there are concerns about the adverse impacts that the combined scale of the development adjacent to the consented pitches would have on the area.
104. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. From reading the appellants’ statements of case submitted with these appeals, and taking into account the foregoing, I am unpersuaded that what has been put forward is capable of amounting to very special circumstances.

Planning balance

105. The development is inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 of NPPF states that substantial weight should be given to any harm to the Green Belt. Additional harm is caused to the openness of the Green Belt which is significant. The Council cannot demonstrate an up-to-date 5 year supply of deliverable sites, and therefore the provisions in paragraph 11 d) of the NPPF apply. The Green Belt harms represent a strong reason for refusal in the context of paragraph 11 d) i) of the NPPF. The development also conflicts with the Green Belt aims of London Plan Policy G2.
106. The development fundamentally undermines the established open character of the site, its scale is considerable and in contrast to the pre-existing condition of the site, causing harm in conflict with HLP Policies 11, 26 and 27 as well as the objectives of the NPPF, in particular paragraph 135. I attach significant weight to this harm.
107. IUD has occurred and the weight I attach to it is very substantial. The development was long in the planning, and the applications were put in almost as an afterthought in the full knowledge that the Council would be confronted with a fait accompli.
108. Policy E of Planning Policy for Traveller Sites (PPTS) December 2023 states that traveller sites in the Green Belt are inappropriate development, and that subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the GB and any other harm so as to establish very special circumstances.
109. There is a clear and demonstrable unmet need for Gypsy and Traveller accommodation within the Council's area. Providing lawful, permanent accommodation on the appeal site would meaningfully contribute to meeting this unmet need, providing security, stability, and access to education, healthcare, and employment for the occupiers. The lack of supply of deliverable sites is a significant material consideration in favour of these appeals.
110. No case is made on the supply or lack of adequate mainstream housing in the district or as to how this might affect tenants or occupants of the appeal site who do not enjoy Gypsy and Traveller status.
111. The appellants submit that their personal circumstances and those of their families are a material consideration of moderate weight¹⁷, given the dearth of information brought forward concerning the personal circumstances of the occupants. However, Article 3(1) of the UN Convention on the rights of the child does provide that the best interests of children must be a primary consideration in actions of public authorities. That said, the conditions on site are such that, given the health and safety hazards that I saw, the best interests of any resident children as vulnerable persons would not in my judgement be to occupy the site as it is now.
112. I do however recognise that if permission were granted there would sooner or later be a prospect of safe accommodation on the site, thus providing any resident children with a settled base from which to access their educational and health needs, yet no details of such needs have been given. In all these circumstances

¹⁷ Appeal statement, paragraph 1.5

the best interests of the child remain no less important than any other consideration. However, I am unpersuaded that on the balance of probabilities, some alternative accommodation would not be available to the occupants. On the available evidence, moderate to substantial weight should be given to the personal circumstances of the occupants of the site.

113. The development in situ conflicts with the development plan when taken as a whole. There are no benefits put forward that should be balanced against these harms such as would suggest that a decision should be made other than in accordance with the development plan. The very special circumstances needed to approve the development in the Green Belt do not therefore exist.
114. There are considerations that should be given weight in favour of the development that must be balanced against the harms I have identified. There is an identified shortfall of pitches for Gypsies and Travellers in the Council's area, since the Council cannot demonstrate a five year supply of sites. There is also a failure of policy to cater for the accommodation needs of Gypsies and Travellers. These matters attract substantial weight. Allowing the appeals would help to address the shortfall in a meaningful way. In addition, there are undoubtedly personal considerations that obtain albeit not detailed by the appellants, which must weigh significantly in the overall balance, including the lack of obvious alternative long-term pitch options and the potential need to have to resort to other forms of accommodation that may not meet the cultural needs of the occupants.
115. However, taking account of the NPPF, the totality of the harms is not clearly outweighed by other considerations and the very special circumstances to justify the development in the Green Belt do not exist. I find that interference with the home and family life of the site's occupants is necessary and proportionate, having regard to legitimate land use planning objectives in the local and national planning policies discussed above. Therefore, to dismiss the appeals and uphold the enforcement notice would not result in a violation of the rights of the occupants under human rights legislation. In considering the PSED, I find that there are no alternatives appropriate to the circumstances with less harmful impacts and weighing the relevant considerations in the balance, upholding the notice would be proportionate.

Conclusion on ground (a)

116. The unauthorised development, considering the appeals on this ground as a composite application and as separate elements, conflicts with the development plan when taken as a whole. There are no considerations, including the provisions of the NPPF, which indicate that the decision should be made other than in accordance with the development plan. Consequently, I will refuse planning permission.
117. The appeals on ground (a) fail.

Ground (g)

118. I appreciate that to uphold the requirements of the notice would give the appellants and their families a limited time to clear the site, find new accommodation and return the land to its former condition. A period of 12 months to comply with both

enforcement notices is sought. There is no sufficient evidence that persuades me that a period of 12 months is justified as being the period that is reasonably required to be given. The sections of the appeal site were bought by the appellants for considerable sums of money. The resources devoted to project planning, ordering infrastructure, co-ordinating delivery and installation, orchestrating convoys of lorries, timed to be as efficiently and effectively implemented as a fait accompli within a matter of days, must have incurred substantial expenditure before, during and in the aftermath of the breach of planning control.

119. The existence of alternative accommodation for any of the occupants has not been identified but there is no firm evidence that no alternative accommodation exists for them and clearly the evidence suggests that some are occupying temporarily pending the outcome of the appeal. It is therefore reasonable to infer as a fact that for some, alternative accommodation might well exist.
120. But in any case, no evidence was led by the appellants as to the particular needs of occupants, including in terms of whether and if so to what extent there would be a strong cultural aversion to being accommodated in “bricks and mortar” housing and if so precisely what if any adverse consequences that might have on the individual’s health and well-being. Application may be made at any time to the Council as housing authority with statutory responsibility for providing housing assistance. In such cases, depending on the facts when presenting as homeless, a family is likely to be in priority need, which would certainly be the case where children are involved. Section 193 Housing Act 1996 provides that unless the authority refers the application to another housing authority, it shall secure that suitable accommodation is available for occupation by the applicant. Given that the origin of residence of the occupants is not confirmed, ie whether their last residence is within, or whether they have a local connection with, the district covered by the Council, this may be relevant to how any eventual application for housing assistance is dealt with.
121. Where suitable alternative accommodation is not available to meet the requirements of the occupants, it would be open to the appropriate local authority to provide other accommodation provided it satisfies the minimum criterion of suitability and depending on the circumstances at the time of applying. Temporary residence in traditionally built housing may therefore not be regarded as an unreasonable prospect, including occupants who may not in any event claim Gypsy and Traveller status.
122. Irrespective of the unlawful manner in which the appellants took up occupation of the appeal site, it is appropriate to consider that they may have no immediately available alternative accommodation. They would have to find alternative accommodation or rely on the assistance of the appropriate housing authority to secure suitable alternative accommodation. Nevertheless, it is important that the requirements of the notices are met timeously without continuing the harms I have identified. Taking all submissions into consideration, I will extend the periods for compliance to four months in each notice.
123. The appeals on ground (g) succeed to this extent.

Conclusion

124. For the reasons given above, I conclude that subject to extending the period for compliance, the appeals should not succeed. I shall uphold the enforcement notices with variations and refuse to grant planning permission on the applications deemed to have been made under section 177(5) of the 1990 Act (as amended).

Grahame J Kean

Inspector

APPEARANCES

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