

## **Appeal Decision**

Site visit made on 26 February 2020

**by John Whalley**

**an Inspector appointed by the Secretary of State for Housing, Communities and Local Government**

**Decision date: 5<sup>th</sup> March 2020**

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**Appeal ref: APP/G5180/C/19/3223465**

**Land at the junction of the A20 South East Side, Cookham Road, Swanley BR8 7QP**

- The appeal is made by Mr Bill Smith under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against an enforcement notice issued by the London Borough of Bromley Council.
- The notice was issued on 21 January 2019; reference 18/00672/CHANGE.
- The breach of planning control was: Without planning permission, the material change of use of land, which is situated in the Green Belt, from an agricultural use to use for the storage and stationing of caravans and mobile homes for residential use.
- The requirements of the notice are:
  1. Cease the unauthorised use of any part of the Land for the storage and stationing of caravans and mobile homes for residential use.
  2. Leave the Land in a neat and tidy condition.
- The period for compliance with the requirements is one month.
- The appeal was made on ground (g) as set out in the amended Act.

**Summary of decision: The enforcement notice is upheld**

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## **Appeal site**

1. The appeal site lies just to the south of the A20 road, about 1km north-west of Swanley. It is an area of rough grassland with some scrub cover and a large area of hardcore surface. At the time of the appeal site inspection, there was one large mobile home sited well back from the fronting road. There was a caravan close to the high timber frontage fencing and gates.

## **The appeal on ground (g)**

2. The appeal on ground (g) asks that more time is given than the one month allowed for compliance with the enforcement notice's requirements. Mr Smith, the Appellant, said the notice's time limit was inadequate. It should be increased to 12 months.
3. Mr Smith said he bought the appeal site land with a view that he and his family would live there. There was nowhere else to go. He said the Borough had the highest proportion of gypsies and travellers in Europe. There was a

clear lack of travellers' sites in the Borough. Mr Smith said he had no way of buying new land. He should be given the opportunity of submitting a retrospective application to the Council for planning permission to live on the appeal land.

4. The Council said Mr Smith had submitted a planning application in April 2019 for use of the appeal site for the stationing of a residential mobile home to provide one gypsy and traveller pitch with associated works. The application remained undetermined. A Council officer had visited the site a number of times. On each occasion the mobile home was in situ, but no contact was made with the Appellant. The Council understood Mr Smith intended to create a traveller site on the appeal land. However, it appeared to them that the Appellant was living on another traveller site.
5. It is not for me dealing with a ground (g) only appeal to consider the merits of a case for the retention of the stationing of caravans for residential use on Mr Smith's land. It seems he has been living elsewhere for some time. Also, Mr Smith has been aware of the Council's objection to the retention of a residential use of the appeal site. In those circumstances, there is no persuasive justification to increase the one month period for compliance with the notice's requirements. The site may be readily cleared in a short time. The appeal on ground (g) fails.

#### **FORMAL DECISION**

6. The appeal is dismissed and the enforcement notice is upheld.

*John Whalley*

INSPECTOR