



Appeal Decisions

Site visit made on 23 November 2021

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2022

Appeal A Ref: APP/Q3820/C/21/3276267

Appeal B Ref: APP/Q3820/C/21/3276268

Appeal C Ref: APP/Q3820/C/21/3276269

Land to the north of Brookside and to the east of Radfords Farm, Radford Road, Crawley, West Sussex RH10 3NW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. Appeal A is made by Ms Theresa Casey, appeal B by Miss Stacey Jane Smith and appeal C by Ms Theresa Casey against an enforcement notice issued by Crawley Borough Council.
- The notice was issued on 29 April 2021.
- The breach of planning control as alleged in the notice is without planning permission the material change in the use of the land to a residential caravan site including:
 - The unauthorised importation of hardcore, aggregate and/or other materials including building materials to the Land
 - Unauthorised engineering operations on the Land comprising laying of hard-standings, the creation of an access way and installation of drainage/sewerage pipes and drainage/sewage plant
 - The unauthorised erection of ancillary buildings
 - The unauthorised stationing of 2 static caravans for residential use on the Land,
 - The unauthorised storage of caravans and/or mobile homes on the Land.
- The requirements of the notice are to:
 - 5.1 Cease the use of the land for the stationing of mobile homes for the purposes of human habitation.
 - 5.2 Remove the mobile homes identified as A and B on the attached plan, any touring caravans and ancillary buildings, including the portable building identified as C on the attached plan, from the Land and remove any resulting debris and any domestic paraphernalia associated with any residential use of the land.
 - 5.3 Break up the hardstanding and access drives in the approximate positions shown in green on the attached plan to the notice and remove the resulting debris from the Land.
 - 5.4 Excavate and remove any sewerage and water pipes and plant from the site and backfill where the pipes and plant has been removed from with topsoil.
 - 5.5 Following compliance with 5.1 to 5.4 above, reinstate the finished land levels on the land to where they were prior to the unauthorised change in the use of the land to a residential caravan site.
 - 5.6 Following compliance with 5.1 to 5.5 above reseed the areas within the area marked in green on the attached plan with grass.
- The period for compliance with the requirements is: six months.
- The appeals are proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.

Summary Decision: The appeals are dismissed.

The Appeals on Ground (g)

1. An appeal on this ground is that the period specified in the notice for compliance falls short of what should reasonably be allowed. The appellants have suggested that the period of compliance should be increased from six to twelve months.
2. The Council suggest that the lack of an appeal on ground (a), relating to whether planning permission should be granted, indicates that the appellants have accepted the reasons for issuing the enforcement notice. However, I note that the development has been subject of a planning application for the change of use of the land to a Gypsy and Traveller site for two pitches each with three caravans and associated operational development¹. That was refused on 1 December 2021, during the course of this appeal. I am aware there may be an appeal against that decision. It is not unreasonable for the appellant to wait for that planning application to have been determined before starting to comply with the enforcement notice. Taking that into account and for clarity, it is not for me in an appeal under ground (g) to consider whether the reasons for issuing the notice are correct, or whether there are other material circumstances, such as the need for Gypsy and Traveller sites, that would outweigh any harm identified.
3. I note that the reasons for issuing the notice include that the site is at risk from surface water flooding and development on the site increases the risk of flooding elsewhere. Parts of the appeal site are within the area designated as Flood Risk Zone 2, with a medium probability of flooding. Caravans are particularly at risk from flooding and are defined as highly vulnerable within the flood risk vulnerability classification of the National Planning Policy Framework. Providing a shorter period for compliance would encourage removal of the caravans and limit the amount of time residents are exposed to that risk.
4. The appeal site is close to Gatwick Airport, where the noise of aircraft is significant and affects the living conditions of occupiers of residential properties. Siting of residentially occupied caravans in this location results in poor living conditions to occupiers from noise. This effect has changed during the coronavirus pandemic, when the busyness of the airport has been significantly reduced. That is likely to alter over the course of the compliance period so needs to be considered in relation to the appeal on ground (g).
5. Reference has also been made to this site being within an area safeguarded for future development of Gatwick Airport. I have limited details of timescales for this development. However, from the information submitted I consider it is unlikely to take place within the period of compliance requested by the appellants. Consequently, this carries minimal weight in my decision.
6. In an appeal on ground (g) I am required to take into account the Public Sector Equality Duty contained in the Equality Act 2010. This relates to protected characteristics such as disability, age and race including Gypsies and Travellers. I am mindful of the best interests of any children. My attention has been drawn to a number of factors that may be personal and potentially sensitive and need to take these into account.

¹ Planning application reference number CR/2021/0243/FUL

7. The development includes two static caravans that are occupied by two families living on the land. These include six children, one adult child and three grandparents. One child has learning difficulties and attends a local primary school. The grandparents have health issues, including one with arthritis and another is recovering from cancer. Unless they can find alternative suitable accommodation that meets their needs, in complying with the enforcement notice they will become homeless. The appellants refer to a lack of suitable sites both locally and nationally. Consequently, it will take time to find alternative accommodation that meets their needs.
8. In coming to my decision relating to the timescales for compliance with the enforcement notice, I need to balance the needs of the families to find alternative suitable accommodation and potential to appeal the planning decision with the reasons for issuing the notice, particularly arising from the risk of flooding and noise. In this case, on balance and taking account of all the evidence provided, I conclude that the considerable risks relating to flooding and the poor living conditions due to noise mean that the period for compliance on the enforcement notice do not fall short of what should reasonably be allowed.
9. For these reasons, I conclude that the appeals under ground (g) should fail.

Formal Decisions

10. The appeals are dismissed.

AJ Steen

INSPECTOR

