
Appeal Decision

Hearing Held on 26 to 28 October 2021

Site visit made on 29 October 2021

by Diane Lewis BA(Hons) MCD MA LL M MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2022

Appeal Ref: APP/J1535/C/18/3215171

Land at Plot 29 Roydon Lodge Chalet Estate, Roydon CM19 5EF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr T Moran against an enforcement notice issued by Epping Forest District Council.
- The enforcement notice was issued on 28 September 2018.
- The breach of planning control as alleged in the notice is:
Without planning permission: The material change in the use of the Land from a recreational leisure plot use to a residential use including the stationing of static caravans, touring caravans and associated development, including the installation of a cess pit and hardstanding.
- The requirements of the notice are:
 - i. Cease the use of the Land as a residential caravan site.
 - ii. Cease the residential use of the Land between 1 November and 31 March inclusive.
 - iii. Remove from the land all caravans, hardstanding, septic tanks and other structures on the land used in connection with the residential use of the Land.
 - iv. Remove from the Land all domestic paraphernalia and debris associated with the residential use of the Land and any debris resulting from compliance with paragraphs (i) to (iii) above.
- The period for compliance with the requirements is within 6 months after the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (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 as amended.

Summary of Decision: The appeal is allowed and temporary planning permission is granted, subject to the enforcement notice being corrected, in the terms set out in the Formal Decision.

Procedural Matters

1. The appeal for Plot 29 was heard together with a number of appeals concerning various plots at Roydon Lodge Chalet Estate (the Chalet Estate) in relation to enforcement notices issued by the Council and against refusals of planning permission.
2. The discussion at the hearing considered the site history, matters specific to the enforcement notices, planning merit issues, plot specific matters and concerns of the Parish Council and residents that formed no part of the Council's case. Even though certain issues were discussed in the round to avoid repetition, each appeal will be considered on its individual merits with a single

decision letter addressing the appeal(s) for each plot. A summary of all Decisions is attached for information.

3. I carried out site visits to the Chalet Estate on 25 October and on 29 October 2021 as well as familiarising myself with the surrounding area at other times.
4. In relation to the Epping Forest Special Area of Conservation (the SAC), Natural England was consulted in order to comply with the requirements of the Conservation of Habitats and Species Regulations 2017. A response was received on 27 April 2022.

Appeal Site and Surroundings

5. The Chalet Estate is located to the north and east of the village of Roydon within the Metropolitan Green Belt. The plots of land are served by a central access road and a vehicle entrance is at the western end of the estate. A single track road and a network of public rights of way link the Chalet Estate to the village. A railway line follows the northern boundary, otherwise the plots are bounded by fields to the south and east.
6. In the late 1940s the land consisted of around 50 allotment plots, provided as part of the Dig for Victory campaign during World War Two. The allotments subsequently became leisure plots. On 18 May 1951 enforcement notices were issued requiring each plot to be cleared of all structures. At the same time the Council stated that it was not the intention to stop the use of the land for gardening purposes or to prohibit weekend and holiday occupation of a suitable type of chalet during the summer months.
7. Thereafter a planning history has developed specific to each plot or combined plots. A small number of plots are characterised by garden land with a small traditional chalet or appear vacant and overgrown. A number of plots are occupied as caravan sites. There are also plots with lawful dwellings and a few plots with very recently built chalets.
8. Plot 29 is a single width plot to the south of the access road and towards the eastern end of the Estate. The land was originally within a triple plot (27 to 29) but a section of the land was sold separately to become Plot 29.
9. The Council recorded a landscaped plot with the weekend chalet in 2012¹. In April 2017 a temporary stop notice was issued against the importation of materials to form hardstanding on this and other plots. In September 2017 two static and two touring caravans were on the site. In September 2019 the site was occupied by two static caravans, two touring caravans, a shed and the site mainly laid to hardstanding. Close boarded fencing was erected along the common boundaries with the adjacent plots. A chalet building remained which received conditional permission in 1952.
10. In October 2021 most of the site was hard surfaced and a static and a touring caravan were sited near to the western boundary. The chalet was at the back of the plot.

Enforcement Notice

11. The appellants raised concerns about the clarity of certain aspects of the enforcement notice and appealed on grounds (f) and (g) but did not go so far

¹ Annexe for Plot 29 submitted with the Council's statement

as to claim the notice was invalid. No appeals are made on grounds (b) and/or (c). Nevertheless, I have a duty to ensure that the enforcement notice tells the recipients fairly what they have done wrong and what they must do to remedy matters. In the event I conclude the notice is invalid an Inspector has the power under section 176 of the 1990 Act to correct/vary the notice provided that the correction or variation can be done without injustice to either the appellants or the Council. The issue is not confined to whether the requirements are excessive, a matter dealt with through the ground (f) appeal.

Background

12. The wording and validity of enforcement notices related to changes of use of plots on the Chalet Estate have been the subject of much discussion and examination in the past. I have considered at some length the appeal decisions issued in May 2012 and July 2015 regarding Plot 38². Disputed issues included the description of the previous lawful use in the alleged breach and the specification of the requirements, particularly in respect of allowing for the continuation of a lawful residential element. The decisions referred to the *Pitman* judgement³ which confirmed that use of land as a leisure plot can exist as a separate use in its own right. In 2012 the notice was quashed for being invalid. In 2015 the Inspector concluded that the Council had exercised its power to under-enforce and the notice was not invalid.
13. The previous lawful use of Plot 38 was a mixed use for leisure and residential occupation and therefore conclusions in 2015 on the wording of the notice do not necessarily apply in the current appeal. The appellant at the hearing acknowledged that Plot 29 was formed by subdivision from a larger plot and therefore no lawful use rights, in terms of residential use, were claimed.
14. In a pre-hearing note in April 2020 I asked the Council why the new use described in the allegation is not described as a residential caravan site, especially in view of the wording of the requirements⁴. I also questioned inconsistencies within the wording of the requirements. At the time the Council confirmed that it was satisfied that the breach described the use accurately and precisely. This position was reaffirmed at the hearing, although if I was minded to correct the notice the Council put forward an alternative form of wording: "The material change of use of the Land from a recreational leisure plot use to use as a residential caravan site".⁵ In addition, various amendments were put forward by the Council and the appellants during the appeal process.

Alleged breach of planning control

15. In accordance with Section 173(1)(a) of the 1990 Act an enforcement notice must state the matters which appear to the local planning authority to constitute the breach of planning control. A notice complies with this statutory provision if it enables any person on whom a copy is served to know what those matters are.
16. There is no doubt that the unauthorised development is a material change in the use of the Land. There is no necessity to state the previous lawful use in

² Appeal ref APP/J1535/C/11/2160430 dated 25 May 2012 and Appeal ref APP/J1535/C/14/2211759 dated 30 July 2015

³ *Pitman v Secretary of State for the Environment* [1989] JPL 831

⁴ Inspector's Pre-Hearing Note 2 dated 16 April 2020.

⁵ Document 1

the allegation but it is generally better to do so. In this instance the former use as a recreational leisure plot is not disputed. In the absence of other more specific information the likelihood is that the land was used for pleasure and enjoyment during the owners' leisure time, bearing in mind the planning history of the plots and the Chalet Estate. The 2012 description of a landscape dominated plot with weekend chalets is consistent with such a leisure use.

17. Furthermore, there is no dispute that the Land changed to a single primary use for residential purposes where the living accommodation is within caravans⁶. Despite the use of the word 'including' in the allegation, no other form of residential use is identified. The allegation also reasonably refers to the installation of hardstanding and other minor works as associated development, part and parcel of the change of use.
18. The wording of the alleged breach of planning control, when considered on its face, is reasonably clear.

Requirements

19. Section 173(3) of the 1990 Act states that an enforcement notice shall specify the steps to be taken or the activities that must cease in order to achieve, wholly or partly, any of the purposes set out in section 173(4). In summary, the purposes are to remedy the breach or to remedy any injury to amenity which has been caused by the breach. In specifying the steps a council may decide to under-enforce by not seeking to fully remedy the alleged breach. Case law has confirmed that the express requirements of an enforcement notice should not abrogate pre-existing rights.
20. The appellant maintained that the requirements should be clear on the level of residential use that would be acceptable, as it was understood that there were no restrictions on a residential use of a caravan for 7 months of the year. A similar argument was presented in the 2012 appeal decision on Plot 38, which the Inspector found on the evidence to be persuasive. The appellant also understood the Council accepted that the plots can be used for leisure purposes, including residential occupation, for 7 months each year from 1 April until 31 October. The Council's deletion of the phrase "including residential occupation" in the final version of the statement of common ground therefore was of concern.
21. As seen from the statutory provision, the function of the requirements is to achieve the purpose of the notice. Therefore, it should be possible to understand from the requirements what the purpose of the notice is. The requirements cannot require that a lawful use resumes, although the service of a notice may allow a landowner to revert to the previous lawful use through the provisions of section 57(4) of the 1990 Act. With these provisions in mind, I disagree with the appellant that the requirements should, as a matter of course, set out a level of residential use that would be acceptable. If the Council decided to do so, it would represent a decision to exercise its power to under-enforce.
22. Nevertheless, there appears to be a conflict in the wording of the Requirements. In short, steps (i), (iii) and (iv) are directed at ensuring the use

⁶ A caravan site means land on which a caravan is stationed for the purposes of human habitation and land which is used in conjunction with land on which a caravan is so stationed. Section 336(1) of the 1990 Act states caravan site has the meaning given in section 1(4) of the Caravan Sites and Control of Development Act 1960.

as a residential caravan site and the residential use cease, whereas step (ii) indicates that a residential use is acceptable for seven months of the year. The report seeking authorisation for enforcement action does not assist in explaining this inconsistency.

23. In seeking clarification through the general discussion at the hearing the Council stated that the intention was step (ii) should require the recreational use of the land to cease between 1 November and 31 March⁷. Taken in isolation I am not persuaded by this explanation because there is no tie to the chalet building and a recreational use of the land could lawfully take place all year round. The comment has more relevance to Plots 32B and 32C, where the allegation is worded differently.
24. The Council also stated step (ii) was an attempt to make clear enforcement action was not against the historical position where an occupier could pull on a caravan for leisure/recreation purposes outside the winter months. If that was the case substitution of recreational for residential would make more sense. Alternatively, the Council may have been seeking to under-enforce, as was the case in the enforcement notice on Plot 38⁸, although steps (iii) and (iv) do not reflect such an intention.
25. These considerations lead me to conclude that in order to make the requirements consistent step (ii) should be deleted. It is not a question of deleting an excessive requirement and such a correction can only be made if it would not cause injustice to either the appellants or the Council.
26. A second option would be to delete the phrase "between 1 November and 31 March inclusive", remembering that the allegation states the material change of use is to "a residential use including". The notice would then ensure all residential use of the Land would cease and avoid any possibility of a residential use gaining permission through the operation of section 173(11).
27. Step (ii) implies that a residential use is acceptable for part of the year. If deleted the notice would be more restrictive than provided for originally. The appellant would be worse off and hence injustice would be caused. That being so, the uncertainty created by step (ii) is not able to be resolved by its deletion as a single amendment to the notice.

Alternative wording

28. An alternative is to follow the Council's proposal to correct the notice to allege a material change of use to a residential caravan site and require that use to cease with the removal of caravans, hardstanding, associated structures and residential paraphernalia. The Council maintained this approach would not cause injustice because it would narrow the scope of the notice. The appellant did not disagree with this proposed way forward.
29. The proposed amendments correct the identified defects in the enforcement notice. The scope of the notice would be narrowed in so far as the description of the alleged breach would become specific to a residential caravan site as opposed to the wider term of residential use. Reference will also be included to

⁷ See also the Council's response to Inspector's Pre-Hearing Note of 16 April 2020: Cease using the land for any recreational or leisure purpose annually between 1 November and 31 March the following year

⁸ For ease of reference the requirement as varied for Plot 38 was "To cease the use of the land as a residential gypsy and traveller caravan site by (i) ceasing the residential occupation of caravans on the land between the 1 November and 31 March inclusive; (ii) permanently reducing the number of caravans on the land to one."

the facilitating operational development. It follows that the corrections are able to be made without injustice to either the appellants or the Council.

Conclusions

30. For the reasons set out above I conclude that the enforcement notice does not set out with sufficient clarity the alleged breach of planning control and the steps required for compliance. The appellant and the local planning authority agreed at the hearing that it was open to me to correct the allegation in the notice and also the requirements. I am satisfied that no injustice will be caused by doing so and the enforcement notice will be corrected in those two respects. The correction to the allegation will clarify the terms of the deemed applications under section 177(5) of the 1990 Act as amended.

Appeal on ground (a) and deemed planning application

31. The development in the deemed planning application is derived directly from the description of the breach of planning control, as corrected. Therefore the development is a material change in the use of the Land from use as a recreational leisure plot to use as a residential caravan site and associated development including the installation of hardstanding. The appellant stated at the hearing that permission was being sought for a single pitch with one static and one touring caravan on the land.

Main issue

32. With reference to Policy E of the PPTS the material change of use of the plot to a traveller caravan site is inappropriate development in the Green Belt, a matter which the main parties agreed in the statement of common ground.
33. The main issue is whether the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the caravan site, is clearly outweighed by other considerations to provide the very special circumstances necessary to justify the development.
34. The potential harms relate to the effect of the development on:
- The openness and purposes of the Green Belt
 - The character and appearance of the Chalet Estate and the surrounding countryside and landscape
 - The safety of the site occupants and others in respect of flood risk
 - The integrity of the Epping Forest Special Area of Conservation
 - The amenity of the village and the settled community.
35. The carrying out of intentional unauthorised development is an additional relevant matter.
36. Other considerations, potentially weighing in favour of the development, include the existing level of local provision and the need for sites, the availability (or lack) of alternative accommodation for the appellant and his family and their other personal circumstances, including the best interests of the child.

37. Integral to my decision-making will be exercising duties under the Human Rights Act 1998. Article 8, a Convention Right⁹, affords a person the right to respect for their private and family life, their home and their correspondence. It is a qualified right that requires a balance between the rights of the individual and the needs of the wider community. There is a positive obligation to facilitate the Gypsy way of life to the extent that the vulnerable position of Gypsies as a minority group means that some special consideration should be given to their needs and different lifestyle in the regulatory planning framework and in reaching decisions on particular cases. Under the Equality Act 2010 I will have due regard to the public sector equality duty (PSED).

Planning policy

38. The development plan for the area includes the saved policies of the Epping Forest District Local Plan adopted in 1998 and the Epping Forest District Local Plan Alterations adopted in July 2006 (the Local Plan).
39. The most important policies for determining the appeal are those related to the appeal site's location and use. The policies are Policy GB2A Development in the Green Belt, Policy RST10A Roydon Lodge Chalet Estate and Policy H10A Gypsy Caravan Sites. The supporting text to Policy H10A sets out locational criteria. Additional relevant policies include Policy CP1 Achieving sustainable development objectives, Policy CP2 Protecting the quality of the rural and built environment, Policy GB7A Conspicuous development, Policy U2A Development in Flood Risk Areas and Policy NC1 Nature Conservation. The reasons for issuing the notice also cite Policy LL3 Edge of settlement development. I consider this policy is not directly relevant because of the location of the Chalet Estate outside the settlement of Roydon.
40. Material considerations include the National Planning Policy Framework (the Framework), Planning policy for traveller sites (PPTS) and Planning Practice Guidance. At local level Roydon Lodge Chalet Estate Design Criteria was adopted in 2003 as Supplementary Planning Guidance (the SPG).
41. The most important policies identified above are generally consistent with the Framework and have full weight.
42. The Council is preparing the Epping Forest District Local Plan 2011-2033 (the EFDLP). Following the hearings stage of the examination into the soundness and legal compliance of the EFDLP the Inspector set out her interim advice in August 2019. In response, the Council carried out additional work and published a Schedule of proposed Main Modifications to the emerging plan. Consultation on the Main Modifications ended in September 2021. At the time of the hearing the Council was compiling its responses to go to the examining Inspector. The Council anticipated that once the Inspector's report is received the period leading to adoption would be relatively short.

Reasons

Green Belt

43. By definition inappropriate development is harmful to the Green Belt. The essential characteristics of Green Belts are their openness and permanence. Policy H10A identifies the impact on openness as a criterion in site assessment.

⁹ Article 8 of the European Convention on Human Rights, enshrined into UK law by the Human Rights Act 1998.

In this instance before the change of use took place the site was a largely open landscaped plot with a chalet building near the rear boundary.

44. The introduction of two static caravans resulted in a harmful loss of openness, both in spatial and visual respects. The expanse of hardsurfacing enabled vehicle parking and the stationing of two touring caravans, which although having less permanence, reduced openness further. The existing and proposed position with a single static and a touring caravan assists in limiting the harmful effect of the change in use.
45. The plot is contained within the boundary of the developed area of the Chalet Estate. No physical encroachment into the countryside has occurred and the development would not conflict with any of the stated purposes of the Green Belt.
46. I conclude that the harm to the Green Belt by reason of inappropriateness and a loss of openness, has substantial weight.

Character and appearance

47. Traditionally the land use character of the Chalet Estate was for leisure use, which was reflected in the physical features such as the small timber chalets and the dominance of gardens and green space. The probability is that plot owners and family members visited to enjoy the amenity of a plot of land in the countryside with the benefit of a chalet or caravan on site for use when there. Low level activity and a quiet, even tranquil, environment prevailed.
48. The evidence indicates that change was gradual over the years through the replacement and extension of the chalets, the increase in mobile homes and caravans and an acceptance in policy of the use of the chalets and caravans for holiday accommodation for seven months of the year. The leisure use was regarded as complementary to the countryside location. Even by 2015 the Chalet Estate was a generally tranquil, green and relatively undeveloped environment with built development blending well with the vegetation and rural surroundings, as described by the Inspector in the 2015 decision.
49. However, by 2018 a number of plots were in use as caravan sites where greenery had been lost to extensive hard surfacing and the main structures were static and/or touring caravans. The trend continued so that by the time of my visit in 2021 the land use character and appearance reflected a greater intensity of residential use. The number of enforcement notices issued in September 2018 indicate much of the development taking place in the last few years has not been authorised.
50. The photographic evidence indicates that the loss of vegetation and green space to hard surfacing has been an important change in the appearance of the plot, contrasting with the now overgrown plots to the west. The retention and maintenance of the chalet provides a link with the former use and visual reminder of traditional building style and materials. It now provides a toilet, shower and small kitchen. The siting of the static and touring caravan near to the western boundary allows views out to the countryside and partial compliance with the SPG. The residential use, with the probable increase and varied patterns of activity, would contribute to a change in the character of the use. I consider the main conflict with Policy RST10A is in terms of the loss of

the primary leisure use. Subject to guiding the site layout through planning conditions there is limited visual harm to the estate.

51. The Chalet Estate is within a rural landscape where a strong sense of tranquillity is present throughout most of the rural area. The landscape is characterised by gently undulating arable fields within the valley of the River Stort¹⁰. The fields are lined with a network of mature hedgerows, often with hedgerow trees and veteran trees contribute to the historic landscape pattern. The large, nucleated village of Roydon is dominant in the settlement pattern.
52. The development of Plot 29 has not encroached into the countryside, nor has it affected field patterns and the dominant arable land use. The effect on the wider landscape character would be minimal and at the hearing the Council accepted that harm would be localised. In local views from the footpath network I found that the development on this site was not unduly noticeable or conspicuous, primarily because of its scale and location on the estate. Views to the edge of Roydon village from adjacent fields remain unchanged. Planting on the rear boundary would soften views from the south. Compliance is achieved with Policy GB7A.
53. These considerations lead to a conclusion that the visual harm and loss of character is small and very localised to the Chalet Estate. The development does not result in significant harm to the landscape character and appearance of the surrounding countryside and as such complies with Policy CP2.

Flood risk

54. The Environment Agency Flood Map for Planning (Rivers and Sea) places the Chalet Estate in Flood Zone 3 and Flood Zone 2. Caravans and mobile homes intended for permanent residential use are classified as highly vulnerable in Annex 3 of the Framework. The Council considers Plot 29 is in Flood Zone 3a.
55. A site-specific flood risk assessment (FRA) was not carried to support this application. A FRA was submitted for other plots including Plots 32B and C, which has information relevant to this Plot. The plot has experienced historical flooding and the model outputs indicate that it would be flooded at least in part during flood events, particularly when allowance is made for climate change. There is also a potential risk from groundwater and surface water flooding.
56. The starting point under national planning policy and guidance is that the caravan site as a highly vulnerable form of development should not be permitted in Flood Zone 3a or 3b. The exception test does not apply. However, other factors are relevant in relation to avoidance and making the development safe.
57. The aim is to steer development to areas with the lowest probability of flooding. The Council accept that currently there are no alternative locations for traveller sites in areas at less risk of flooding, although suitable sites should come forward through the EFDLP.
58. Potential measures to mitigate flood risk include ensuring the threshold level of the static caravan is above the flood level expected in the 1 in 100 annual probability plus 35% climate change event, anchoring the static caravan to the ground, requiring occupants to sign up to receive flood alerts and flood

¹⁰ Key characteristics are taken from the Landscape Character Assessment January 2010, pages 96-99 C6: Roydon

warnings and preparation of a flood plan. These measures would manage the risk of flooding rather than remove it. Planning Practice Guidance is that flood resistance and resilience measures should not be used to justify development in inappropriate locations.

59. The FRA explained that the western and eastern parts of the single access road are predicted to flood for all events including the 1 in 20 annual probability event. The deepest flood depths on the access road would be located at the eastern end where flood depths are predicted to be between 0.4m and 0.6m for around a distance of 40m. The only means of escape by vehicle from Plot 29 is westwards along the access road. For escape by foot, installation of a pedestrian gate in the back fence to allow access to the higher land to the south may be an option.
60. The FRA considers that flash flooding is unlikely to occur because of the size of the River Stort catchment at this location, allowing time to respond to flood alerts and warnings and to leave the site safely. Also, with reference to the FRA, the development would make little difference to flood risk elsewhere because there are no proposals to modify ground levels and the Chalet Estate is located in an existing developed area. No contrary technical evidence has been produced.
61. The Parish Council drew attention to flooding events in the last few years and how the increase in hard surfaces had made matters worse by displacing some of the flooding onto the railway and farmland. Concern was expressed over works to the brook by the entrance to the estate. The appellants explained that works were done to clear out the brook and increase the height of the culvert so that conditions were improved.
62. In conclusion, the proposal is a highly vulnerable form of development. The use of the land as a caravan site would increase the danger from flood risk to the occupiers and in the event of a flood event to members of the emergency services. For these reasons Policy U2A does not support the use in this location. Based on the flood risk classification and the location of the site the Framework also indicates the use should not be permitted. Mitigation measures would improve safety. Escape routes would present a low risk and flood risk would not be increased elsewhere. The issue of flood risk provides a significant amount of weight against the development on this plot.

Epping Forest Area of Special Conservation

63. The SAC is a large ancient wood pasture with a mosaic of habitats of high nature conservation value. By reason of the international designation, the SAC is afforded the highest level of protection through UK legislation and Government policy¹¹. Much of the SAC is in an unfavourable condition as a result of atmospheric pollution and also recreational pressure.
64. The reasons for issuing the enforcement notice made no reference to the effect on the SAC. The Council's position was revised and updated during the appeal process, informed by the evidence gained during the local plan process, including an Appropriate Assessment for the emerging plan. The Council issued a Position Statement in October 2019 and an Interim Air Pollution Mitigation

¹¹ The Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations') set out the provisions and procedures which must be followed to assess the implications of plan and projects on European sites (Regulation 63 and 64).

Strategy in December 2020, which are applicable to all development proposals in the District.

65. As it stands now, the Council has withdrawn its objection based on the SAC, following the financial contribution made by the appellant towards mitigation measures to help avoid adverse impacts of development on the integrity of the SAC. In summary, Natural England has advised that air quality should not be considered an impediment to a favourable determination of the deemed application provided that the proposed development is coming forward in accordance with the Strategy and mitigation is considered secure and certain to proceed.

Habitats Regulations Assessment

66. In terms of recreational pressure the appeal site is outside the zone of influence (6.2km) established through research and visitor surveys. In view of the distance of the site from the SAC there is no pathway to the designated features and no significant effects are likely.
67. The same conclusion does not apply in respect of vehicle flows and associated air pollution when the development of the site is considered in combination with other plans and projects. An appropriate assessment (AA) is necessary, which establishes whether there would be adverse effects on the integrity of the features of the European site and if there are, whether they could be modified through mitigation.
68. The conservation objective for the SAC is to ensure the integrity of the site¹² is maintained or restored as appropriate and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features. These are Beech forests on acid soils, Northern Atlantic wet heathland with cross leaved heath, European dry heaths and Stag beetle.
69. The Strategy explains that the growth proposed in the District would be the primary source of atmospheric pollution that would have an adverse effect on the integrity of the SAC. Vehicle flows and queuing traffic on roads bisecting the SAC have been identified as a key contributor to that atmospheric pollution, related to vehicle emissions including oxides of nitrogen, ammonia and nitrogen deposition. The SAC features are considered sensitive to changes in air quality and serious deleterious effects can occur to habitats and species through changes in species composition of plant communities and associated animal communities, the loss of sensitive species, the promotion of competitive and invasive species.
70. The Strategy sets out a range of strategic and site specific mitigation measures to help avoid adverse impacts of development on the integrity of the SAC. Monitoring and review are integral to its implementation. The Strategy has been costed and a delivery framework has been developed. Funding of elements delivered by the Council and its Partners will be by means of financial contributions secured through planning obligations linked to development proposals. There is no evidence to indicate that the mitigation will not proceed.

¹² There is no definition of site integrity in the Habitats Regulations. The definition that is most commonly used is in Circular 06/2005: '(...) the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified'.

71. The appellant has not demonstrated through the use of objective and robust evidence within a transport statement or assessment that the proposed development would not give rise to a net increase in average annual daily traffic within the district. Planning permission is required for the use. The little information that there is on the previous leisure use indicates a less intensive use than the proposed use. Moreover, an aim is to restore the condition of the EFSAC, not to stop the condition deteriorating further.
72. The proposed use of the small site alone probably would not affect the integrity of the European site, but it would contribute to a cumulative adverse impact together with the other plans and projects.
73. To address this objection, the appellant has made a financial contribution towards the package of mitigation measures. The sum is based on one static caravan, equivalent to a dwelling. Provided that a planning condition limited the number of caravans allowed on the site this sum is consistent and proportionate with the approach derived from the Strategy. The Council has confirmed in writing that the payment will only be used to implement the approved Strategy.
74. I conclude that the development is in accordance with the Strategy and the necessary contribution towards mitigation has been secured. It follows that the aim of Policy NC1 is met and compliance is achieved with Policy DM 2 and Policy DM 22 of the emerging EFDLP. These emerging policies seek to ensure no adverse effect on the site integrity of the SAC from development proposals and to address potential effects on biodiversity from air pollution.

Effect on settled community and village environment

75. PPTS under Policy H states that sites in rural areas should respect the scale of and not dominate the nearest settled community and avoid placing an undue pressure on local infrastructure.
76. A strong body of objection, supported by the local MP, was demonstrated in written representations, a petition and the case presented in person at the hearing. The objections expressed by the local community, latterly taken forward by the Parish Council, were directed at development on a number of plots at the Chalet Estate rather than specifically Plot 29¹³. Objections included the change in land use, unauthorised activities and use, local flooding and drainage problems, negative effects on local character and amenity (with reference to anti-social behaviour, intimidation, rubbish and bonfires, Roydon Conservation Area and Lee Valley Regional Park), inadequate access and high concentration of the District's traveller sites in Roydon and Nazeing.
77. I have considered some of the objections in the main issues above. In terms of precedent, all the appeals considered at the hearing indicate that there is pressure and a personal need for similar development on a number of plots over the Chalet Estate. The Chalet Estate is in a Green Belt location where planning policy strictly controls development and very special circumstances must exist to justify inappropriate development. Provided that the policy test is met to allow the appeal would not set a generalised precedent.

¹³ Objections were in response to the notification by the Council of seven planning applications submitted on the same date of 28 February 2017 and the notification covering the various appeals against the enforcement notices.

78. The appellant is attempting to regularise the planning position through the statutory process open to him. There is no specific evidence to show either the appellant or the occupiers have been responsible for or involved in anti-social behaviour. Residents of nearby dwellings expressed support for the appellant's extended family and their contribution to life on the estate.
79. As part of the local plan process, allocation of land within the estate for traveller sites was considered but rejected. Nevertheless, with reference to local criteria on accessibility¹⁴ I consider that the site is in reasonable distance of a settlement for access to schools, shops and other services. There is convenient and safe access to public transport services and by vehicle to the main road network via the lane linking the Chalet Estate with the village. I assessed visibility at property access points at the southern end of the lane and concluded highway safety would be not compromised. The Council raised no objections regarding accessibility and highway safety. Safety in respect of flood risk has been considered above.
80. Factors contributing to the character of Roydon Conservation Area include the rural setting and the quiet residential character of the village¹⁵. The change of use of Plot 29 would not impact on these two factors because of its location within the Chalet Estate, the separation distance from the village and the small scale of the development. Increases in traffic movements would be small when placed in the wider picture.
81. The access road linking the Chalet Estate with the village is not within the Conservation Area. At the time of the planning application interested parties objected to the increased use of the then unmade track. The Character Appraisal for Roydon Conservation Area noted that the potholed gravel surfaced road on the eastern side of the Village Green (at the southern end of the access road) would benefit from being repaired or even resurfaced using an appropriate material. The resurfacing of the access road carried out by residents of the Chalet Estate is not objectionable from purely a planning point of view. The objection from the Parish Council is also directed at the lack of responsibility or authorisation to do the work. This is a separate matter, which is not for my consideration.
82. In conclusion, the very modest scale of development of Plot 29 would respect the scale of the nearest settled community and would not harm the character of the village. The contribution to the effects of cumulative change would be small.

Intentional Unauthorised Development

83. The Government policy on intentional unauthorised development was confirmed by a Written Ministerial Statement in December 2015 and remained in place after the publication of the Framework. The policy was in response to concern about the harm caused, particularly in the Green Belt, where development is undertaken in advance of obtaining planning permission. In such circumstances there is no opportunity to appropriately limit or mitigate harm that may be caused and a planning authority may have to undertake expensive and time-consuming enforcement action.

¹⁴ Criteria (ii) and (iii) of Policy H 4 Traveller Site Development in the emerging EFDLP in particular

¹⁵ Roydon Conservation Area Character Appraisal September 2006 paragraph 3.2

84. As a matter of fact the development occurred without the benefit of a planning permission. A temporary stop notice also was served on the then owners of the land in April 2017. Harm has been caused to the Green Belt. The opportunity to limit harm was lost. The land owners were advised in writing in December 2016 by the Council that planning permission would be required if caravans were for permanent residential use. At the hearing it appeared that recipients of Council advice had gained a different understanding of what was permissible. The history of the combined plot as part of Ponderosa also suggested to them a residential use was acceptable. A planning application was made in response to the enforcement notice in September 2018. Through the appeal process it has become clear that Plot 29 is one of several plots on the estate owned by the Moran family to accommodate their extended family in the absence of alternative sites. Unauthorised roadside camping and the associated expense probably has been avoided.
85. In conclusion the probability is that intentional unauthorised development occurred, a consideration which has a small amount of weight.

Need and supply of traveller sites

86. There is a generally accepted national need for more traveller sites. The level of need will vary between regions and at district or local authority level. The Framework expects that the housing needs for different groups in the community should be reflected in planning policies. PPTS sets out how travellers' housing needs should be provided for in plan-making for those covered by the definition in Annex 1. Local planning authorities should make their own assessments of need and working collaboratively should develop fair and effective strategies to meet need through the identification of land for sites. More specifically local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets.
87. The development plan does not identify land for sites and Policy H10A is confined to setting out the tests to apply when determining applications for gypsy caravan sites within the Green Belt. The policy wording indicates the expectation that sites will come forward and be located in the Green Belt, rather than elsewhere in the District. The Council accepts that it does not have a 5 year supply of deliverable sites at the current time. This position is contrary to policy in PPTS and an objective in Policy CP1(ii) has not been achieved. Providing for identified need will be through the EFDLP.
88. The emerging EFDLP sets out the components of the traveller and travelling showpeople requirement over the period 2011-2033. I will refer only to the traveller requirements. Based on the 2016 Gypsy and Traveller Accommodation Assessment and update (the GTAA) 64 pitches are required. Taking account of the new pitches completed coming forward between 2011 and 2017 the remaining requirement is 32 pitches, not including provision for known ethnic traveller households who do not meet the planning definition¹⁶.
89. In the emerging EFDLP Policy SP 2 provides for an additional 38 pitches through the allocation of sites, which are to be delivered through a sequential approach. Policy SP 5 requires land to be provided for 15 traveller pitches at

¹⁶ Table 2.4 in the Submission Version of the EFDLP December 2017. The figure of 64 includes 4 pitches that is equal to 10% of the estimated need from the 'unknowns' in respect of the PPTS definition.

the proposed Garden Town Communities and another 23 pitches on various site allocations. Policy H 4 confirms the provision of pitches as part of strategic allocations and sets out criteria for determining applications for the development of pitches elsewhere.

90. The proposed Main Modifications includes minor updates to Table 2.4, whereby the remaining requirement is reduced to 31 pitches. The wording of Policy H 4 is subject to changes through the Additional Main Modifications but the fundamental provisions and criteria are not changed.
91. In the examination of the EFDLP to date the Inspector has not questioned the evidence base of the GTAA or the strategic and sequential approach to traveller site provision. The appellant's documents included a copy of a letter submitted through the 2021 consultation on the Main Modifications arguing that the pitch assessment is out of date and based on a methodology that has been found not to be robust.
92. It would not be appropriate in these appeal decisions to conclude in any detail on matters that are being considered through the examination of the EFDLP. It is clear however that currently there is an unmet need for sites in the District. Based on the GTAA, which is the best available evidence, over 30 additional pitches are required in the next 10 years for gypsies and travellers who have PPTS status. The GTAA also recognised that need from households that may not have PPTS status (the unknowns) could range from 4 to 41 pitches.
93. The Council confirmed at the hearing that the requirement of 64 pitches included 'new' need from unauthorised sites, including pitches on the Chalet Estate¹⁷. However, I note that the identified unauthorised sites contributing to this total do not include all the pitches at issue in the current appeals and it appears that the GTAA was not informed by interviews with any of the residents of the Chalet Estate. To that extent there is probably an underestimate of need.
94. Supply of sites will be through strategic allocations and windfalls. The updated trajectory has moved forward the provision of 5 pitches at Latton Priory to the 2019-2023 time period and those in the Water Lane Area and East of Harlow to the 2024 to 2028 time period. At the hearing the Council explained why in its view the updated trajectory for delivery of pitches is not over-optimistic, referring to increased confidence of developers to bring strategic housing sites forward as the EFDLP nears adoption. Nevertheless, details on a number of matters, including phasing, have yet to be submitted and resolved and in the absence of more specific evidence considerable uncertainty remains over the timing of delivery of these pitches.
95. Over the last five years or so private site provision has been an important source of additional pitches. The wording of Policy H10A recognises that traveller sites that come forward are likely to be within located in the Green Belt not least because of a very high proportion (92%) of the District is Green Belt land. The appellants have drawn attention to gypsy sites that have received permission over the last five years or so, such as 3 pitches at Willingale. The shortfall of available sites and the relatively high level of need were important factors weighing in favour of a grant of permission. The EFDLP too relies on windfall private sites (including those already delivered) to make

¹⁷ Hearing Document 4

up the supply of pitches to meet the identified requirement to 2033. Some of the proposed allocations are on Green Belt land.

96. The failure to deliver adequate sites for Gypsies and Travellers was recognised in Government policy back in 2006. Since then, PPTS 2012 and the current PPTS set out how the likely need for permanent and transit-site accommodation should be addressed in plan-making. In Epping Forest District the development plan made no site allocations and reliance has been on private site provision to help increase accommodation needs. The Submission Version of the EFDLP dates back to 2017, although work commenced on the plan around 2010/2011. The time taken to progress the plan towards adoption has been increased by the essential work on the SAC, during which time there was a moratorium on new residential development. The lack of site allocations is reflected to an extent in the existing level of need and the lack of available alternative sites for those travellers on unauthorised sites. The 'failure of policy' argument now has only a small degree of weight, given the Council's commitments to move forward through the EFDLP.
97. In addition to general need and with reference to the PPTS, the availability (or lack) of alternative accommodation for the current occupiers is a relevant consideration. The Council was not able to suggest an alternative acceptable, affordable and available site(s) for the family to move to if their appeal is not successful. There is no obligation on a local authority to provide a site. However, the probability is that the occupiers would have a lot of difficulty in finding a suitable alternative pitch, bearing in mind the site search undertaken by the Council as part of the local plan process, the extent of Green Belt in the District and the wider shortfall in traveller site provision.
98. In conclusion, the challenging order of need, the absence of a supply of five years' worth of sites and the lack of a suitable alternative pitch provide substantial weight in support of the development.

Personal circumstances

99. Mr Donoghue occupies the plot with his wife and 3 very young children and has done so since April 2017. Another member of the Moran family shares the plot and occupies a touring caravan. No particular health issues have been raised.
100. Before moving to the Chalet Estate Mr Donoghue and his wife travelled within England for some 8 to 9 years. Mr Donoghue continues to travel extensively for much of the year seeking a livelihood in the traditional way, stopping on the road side or with family members. He does ground work such as landscaping, driveways, tarmacing and tree work. During the summer his family usually go with him. I am satisfied that he and his wife have PPTS status. Based on human rights law there is a positive obligation to facilitate the gypsy way of life and under the PSED I must have due regard to the need to remove or minimise disadvantages and advance equality of opportunity between persons.
101. The plot enables the family to follow their traditional way of life as travellers whilst offering accessibility to the benefits of health, education and community services. Proximity to their extended family may be expected to provide support and be important to their way of life. No available alternative pitch has been identified to meet their personal needs for a site. A roadside existence would be against the best interests of the very young children and could be

detrimental to their well-being and future education. The potential environmental cost of unauthorised camping is also a factor that supports their continued occupation of the plot. The personal circumstances provide significant weight in support of the development.

Planning balance

102. There are two main policy objections. The harm to the Green Belt by reason of inappropriateness and loss of openness has substantial weight. The issue of flood risk provides a significant weight against the development. As to the remaining potential harms, the localised harm to character adds a small amount of weight, as do the matter of intentional unauthorised development and any cumulative effect on the settled community. The SAC based objection has been overcome and this matters no longer weighs against the caravan site.
103. In support of the development the outstanding level of need in the District and more widely, the absence of a 5 years' worth supply of specific deliverable sites and the lack of alternative pitch for the family have substantial weight. The failure of policy argument adds little additional weight. Family circumstances, including the best interests of the child have significant weight.
104. The totality of the identified harm is not clearly outweighed by other considerations. Very special circumstances do not exist. That being so the development fails to comply with Policy H10A and Policy GB2A. Conflicts also exist with Policies U2A and RST10A. The material change of use is not in accordance with the development plan when read as a whole. The conflicts with national policy on Green Belt and flood risk provide a strong reason for following the direction of the development plan. The caravan site is not acceptable on a permanent basis.

Temporary planning permission

105. Planning permission may be granted for a temporary period, for example where it is expected that circumstances will change in a particular way at the end of that period. Furthermore, where there would be an interference with an individual's rights the interference should no more than is necessary and proportionate. The length of a possible temporary period was discussed at the hearing, the Council arguing for a two year period and the appellant for five years.
106. The potential change would be the provision of sites through the EFDLP and more particularly the strategic site allocations identified in emerging Policies SP 4 and SP 5. In my view there is much uncertainty over the timescale for delivery of these sites. The probability is that a time-limited period of four years is more realistic, remembering that it will rarely be justifiable to grant a second temporary permission and there is no presumption that a temporary grant of planning permission will then be granted permanently¹⁸. In the interim period the success of the strategic allocations in meeting outstanding need should become clearer and more specifically whether they would offer a potential alternative for the occupiers of Plot 29.
107. The weights attached to the various harms and considerations in the planning balance require adjustment to take account of the use over a time-

¹⁸ Planning Practice Guidance: The use of planning conditions, paragraph: 014 Reference ID: 21a-014-20140306; PPTS paragraph 27

limited period. In doing so I have taken account of PPTS paragraph 27¹⁹ regarding the absence of an up-to-date five year supply of deliverable sites. In this case the shortfall in sites reflects the pressing need in Epping District for sites, the extent of the Green Belt, the period of the local plan process, the location of proposed allocations and uncertainty about future site delivery. The position justifies very significant weight. In addition, the best interests of the very young children on the plot must be a primary consideration and the very serious consequences of the family losing their home have substantial weight all matters considered.

108. The totality of the identified harm is clearly outweighed by other considerations. A grant of a temporary permission is proportionate, given the positive obligation to facilitate the gypsy way of life and having due regard to the PSED. I am satisfied that to grant permission would not result in a harmful cumulative impact when taking account of the outcome on the other appeals. Very special circumstances exist and accordingly the development complies with Policy H10A and Policy GB2A.
109. The balance is now such that the caravan site is in accordance with the development plan when read as a whole and other considerations do not indicate otherwise.

Planning conditions

110. I have considered what planning conditions would be appropriate in light of the discussion at the hearing and Planning Practice Guidance. Conditions should only be used where they are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects.
111. A time limit must be imposed through a condition, together with requirements for the use to cease at the end of the stated period and restoration of the land to an agreed scheme. A requirement that the caravan site shall only be occupied by gypsies and travellers with PPTS status is necessary because of the weight attached to the general unmet need for traveller sites reflected by the occupiers' personal need for a pitch. Such a condition would also facilitate the gypsy way of life, promote equality and reduce disadvantages experienced by the traveller community.
112. The number and type of caravans will be controlled and a single pitch specified. Such restrictions are to safeguard the appearance of the plot and the Chalet Estate and to reflect the mitigation for the SAC. Commercial activity would be incompatible with the leisure and residential use of the estate and cause a loss of amenity. Conditions to prevent commercial activity and restrict the parking of commercial vehicles are justified.
113. Notwithstanding the use being for a time limited period submission and approval of a site development scheme, is necessary to maintain the appearance of the plot and estate. The details should include a site layout plan, site drainage, external lighting and planting. The scheme and details required should be proportionate to the size and location of the plot and the temporary

¹⁹ PPTS at paragraph 27 states when considering the grant of a temporary permission the absence of an up-to-date five year supply of deliverable sites should be a significant material consideration, except where the proposal is on Green Belt land.

time period. If approval of the details is not obtained in a reasonable timescale, as set out in the condition, the use must cease.

114. The FRA identified the type of mitigation measures which are likely to be suitable for this plot to reduce risk and improve safety in a flood event. Adopting a similar approach to the 2015 decision a flood risk management scheme is required to provide the details.

115. The provision of an electric vehicle charging point and superfast broadband would not be reasonable if a temporary, planning permission is granted. The Council accepted this position.

Conclusion

116. For the reasons given above the should succeed on ground (a) and I will grant temporary planning permission in accordance with the application deemed to have been made under section 177(5) of the 1990 Act as amended, which will now relate to the corrected allegation. Therefore, the appeals on ground (f) and (g) do not need to be considered.

DECISION

117. It is directed that the enforcement notice be corrected by:

- the deletion of the wording below the heading to paragraph 3 and the substitution of the wording "Without planning permission, the material change in the use of the Land from use as a recreational leisure plot to use as a residential caravan site and the carrying out of associated development, including the installation of hardstanding."
- the deletion of steps (i) to (iv) in paragraph 5 and the substitution of the wording:
 - i. Cease the use of the Land as a residential caravan site.
 - ii. Remove from the Land all caravans and all associated development, including the hardstanding, connected with the use as a caravan site.
 - iii. Remove from the Land all domestic paraphernalia associated with the use of the Land as a caravan site and any debris resulting from compliance with steps (i) and (ii) above.

118. Subject to these corrections the appeal is allowed and the enforcement notice is quashed. Planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the development already carried out, namely the material change in the use of the land to use as a residential caravan site and the carrying out of associated development including the installation of hardstanding on the land at Plot 29 Roydon Lodge Chalet Estate, Roydon CM19 5EF referred to in the notice, subject to the following conditions:

- 1) The use hereby permitted shall be for a limited period being the period of 4 years from the date of this decision. At the end of this period the use hereby permitted shall cease, all caravans, buildings, structures, materials and equipment brought onto, or erected on the land, or works undertaken to it in connection with the use shall be removed, and the

land restored to its condition before the development took place in accordance with the scheme approved in compliance with condition 6 below.

- 2) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites (or its equivalent in replacement national policy).
- 3) There shall be no more than one pitch on the site and on the one pitch hereby approved no more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, shall be stationed at any time, of which only one caravan shall be a static caravan.
- 4) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.
- 5) No commercial or business activities shall take place on the land, including the storage of materials.
- 6) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 60 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision a site development scheme (hereafter referred to as the scheme) and a timetable for its implementation shall have been submitted for the written approval of the local planning authority. The scheme shall include details of the internal layout of the site, including the siting of caravans and hardstanding; the means of foul and surface water drainage of the site; proposed and existing external lighting; tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities and a maintenance schedule for the period of the approved use; means of enclosure; provision for storage of waste and recyclables; a scheme to restore the site to its former condition at the end of the period for which planning permission is granted.
 - ii) If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 7) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 60 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
- i) Within 3 months of the date of this decision a scheme for flood risk management shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation. The scheme shall include details of a flood evacuation plan, the floor height and means of anchoring the static caravan.
 - ii) If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Diane Lewis

Inspector

APPEARANCES

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INTERESTED PERSONS:

Canon Anthea Cannell
Councillor Mary Sartin
Vince Parker
Wayne Matthews

DOCUMENTS submitted at the hearing

- 1 Proposed corrections to the enforcement notices
- 2 Draft Deed of Unilateral Undertaking
- 3 Letter of consent
- 4 Document EB402A Tables 1 and 2
- 5 Letter dated 14 December 2016
- 6 Proposed planning conditions
- 7 Representation by Rt Hon Robert Halfron MP
- 8 Roydon Conservation Area Appraisal
- 9 Revised list of planning conditions
- 10 Planning history of plots

ROYDON CHALET LODGE ESTATE APPEALS: SUMMARY OF DECISIONS

Plot number	Appeal refs	Decision Enforcement appeal	Decision s78 appeal
1B	C/18/3215158 W/18/3204576	Appeal allowed, enforcement notice corrected and quashed, temporary planning permission granted	Appeal allowed, temporary planning permission granted
5 & 6	C/18/3215159, C/18/3215160 W/18/3204582	Appeals allowed, enforcement notice corrected and quashed, temporary planning permissions granted	Appeal allowed, temporary planning permission granted
7	C/18/3215161	Appeal dismissed, enforcement notice as corrected and varied upheld	
8, 9 & 10	C/18/3215162, C/18/3215163 W/18/3204586	Temporary planning permission granted for part of the land, enforcement as corrected and varied upheld	Appeal dismissed
11	C/18/3215164	Appeal dismissed, enforcement notice as corrected and varied upheld	
21A	C/18/3215165, 3215166, 3215167 W/18/3204590	Appeals allowed, enforcement notice as corrected quashed, planning permissions granted	Appeal allowed, planning permission granted
25 & 26	C/18/3215169 W/18/3204593	Enforcement notice quashed	Appeal dismissed
29	C/18/3215171	Appeal allowed, enforcement notice as corrected quashed, temporary planning permission granted	
30 30A	C/18/3215172	Enforcement notice quashed	
32	C/18/3215174	Appeal allowed, enforcement notice as corrected quashed, temporary planning	

		permission granted	
32B 32C	C/18/3215175 C/18/3215176 W/18/3204595	Enforcement notice quashed	Appeal allowed, temporary planning permission granted
33 & 34	C/18/3215177	Enforcement notice quashed	
38	W/19/3222126		Appeal allowed, planning permission granted
49	C/18/3215178 C/18/3215179 W/18/3204596	Appeals allowed, enforcement notice as corrected quashed and temporary planning permissions granted	Appeal allowed, temporary planning permission granted

Note: This summary is for information only and reference should be made to the Appeal Decision(s) for details.