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## 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**

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**Appeal Ref: APP/J1535/C/18/3215164**

**Land at Plot 11 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 P O Connor 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 for residential use, touring caravans and associated development, including the installation of hardstanding.
- The requirements of the notice are:
  - i. Cease the use of the Land as a residential caravan site.
  - ii. Cease the use of 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 dismissed and the enforcement notice is upheld with corrections and a variation in the terms set out below in the Formal Decision.**

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### Procedural Matters

1. The appellant was served with a copy of the enforcement notice as the owner of the land. The land was later sold to the Moran family. An appeal may be continued by a subsequent land owner provided that a letter of consent is received from the original appellant. The original owner confirmed in writing that he is willing for the appeal to proceed in his name on behalf of the new owner(s).
2. The appeal for Plot 11 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.
3. 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.
  4. I carried out site visits to the Chalet Estate on 25 October and 29 October 2021, as well as familiarising myself with the surrounding area on other occasions.
  5. 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.

### **Site and Surroundings**

6. 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 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.
7. 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.
8. Thereafter a planning history has developed specific to each plot or combined plots, as outlined in the appeals documents. 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 dwellings and a few very recently built chalets.
9. Plot 11 is a long narrow plot sited to the north of the access road, near the centre of the Chalet Estate. Planning permission was granted to rebuild a weekend chalet in 1952. In 1967 permission was granted for 'details of weekend chalet'. The standard condition restricted its use to being solely for recreational purposes during the months April to October inclusive, with no use at any time for permanent residential accommodation.
10. The Council recorded a landscaped plot with a weekend chalet in 2012. In April 2017 a temporary stop notice was served that required the importation of materials to form a hardstanding to cease and prevented caravans being stored or stationed on the land. Subsequently in March 2018 aerial photographs showed two static caravans on the land. As of September 2019 the Council

noted that the site was laid to hardstanding and occupied by two static caravans and 1-2 touring caravans.

11. On the site visit in October 2021, there was one static caravan stationed towards the rear of the site and a couple of vans parked. The hard surfaced area was enclosed by close boarded fencing. The original chalet no longer remained.

### **Enforcement notice**

12. 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 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*

13. 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 38<sup>1</sup>. Disputed issues included the description of the 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. Both decisions referred to *Pitman* judgement<sup>2</sup>, 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. 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.
14. In response to a pre-hearing note (April 2020)<sup>3</sup> the Council confirmed that it was satisfied that the breach described the use accurately and precisely. This position was reaffirmed at the hearing. 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".<sup>4</sup> In addition, various amendments were put forward by the Council and the appellants during the appeal process.

### *Alleged breach of planning control*

15. The notice is directed at an unauthorised material change in the use of the Land. There is no necessity to state the previous lawful use in the allegation, although it is generally better to do so. In this instance the former primary use as a recreational leisure plot is not in dispute. In the absence of other more

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<sup>1</sup> Appeal ref APP/J1535/C/11/2160430 dated 25 May 2012 and Appeal ref APP/J1535/C/14/2211759 dated 30 July 2015

<sup>2</sup> *Pitman v Secretary of State for the Environment* [1989] JPL 831

<sup>3</sup> Inspector's Pre-Hearing Note 2 dated 16 April 2020.

<sup>4</sup> Document 1

specific information the likelihood is that the land was used for pleasure and enjoyment during the owners' leisure time, having regard to the planning history of the plot and the Chalet Estate.

16. Furthermore, there is no dispute that the Land changed to a single primary use for residential purposes where the living accommodation is within caravans<sup>5</sup>. 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 as associated development, part and parcel of the change of use.
17. 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 of it is served to know what those matters are. The wording of the alleged breach of planning control, when considered on its face, is reasonably clear.

#### *Requirements*

18. 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.
19. 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. Linked to this point the appellant was concerned that the Council's position over the lawful use of the land had changed in the final version of the statement of common ground. Earlier drafts accepted that the plots can be used for leisure purposes including residential occupation for 7 months each year from 1 April until 31 October, whereas in the final document the phrase "including residential occupation" was deleted.
20. 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.

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<sup>5</sup> 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.

21. Nevertheless, there appears to be a conflict in the wording of the Requirements. In short, steps (i), (iii) and (iv) require the use as a residential caravan site to 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.
22. In seeking clarification through the general discussion at the hearing the Council stated that the intention was that step (ii) should read cease the recreational use of the land between 1 November and 31 March, not the residential use<sup>6</sup>. Taken in isolation I am not persuaded by this explanation because no chalet building exists and a recreational use of the land could lawfully take place all year round. 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 38<sup>7</sup>. If that was the intention it is not followed through in steps (iii) and (iv).
23. These considerations indicate 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.
24. 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).
25. Step (ii) implies that a residential use is acceptable for part of the year. Its deletion would reflect a view expressed by the Council at the hearing and the final position in the statement of common ground, although not its apparent position at the time of issuing the notice. On the other hand, removal of a degree of under-enforcement would result in the notice being 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*

26. 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.

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<sup>6</sup> 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

<sup>7</sup> 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."

27. 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. It follows that the corrections are able to be made without injustice to either the appellant or the Council.

### *Conclusions*

28. For the reasons set out above 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 I will therefore correct the enforcement notice in those two respects. The correction to the allegation will clarify the terms of the deemed application under section 177(5) of the 1990 Act as amended.

### **Appeal on ground (a) and deemed planning application**

29. The description of the development at issue in the deemed planning application is derived directly from the wording 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 with associated works, 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, which is within the scope of the corrected description.

### **Main issue**

30. 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.
31. 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.
32. 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.
33. The carrying out of intentional unauthorised development is an additional relevant matter.
34. 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.

35. Integral to my decision-making will be exercising duties under the Human Rights Act 1998. Article 8, a Convention Right<sup>8</sup>, affords a person the right to respect for their private and family life, their home and their correspondence. Being a qualified right, Article 8 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.
36. I also will have due regard to the public sector equality duty (PSED) under the Equality Act 2010.

### ***Planning policy***

37. 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).
38. 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. I note the supporting text to Policy H10A also sets out locational criteria for proposed gypsy caravan sites. Additional relevant policies include Policy GB7A Conspicuous development, Policy CP1 Achieving sustainable development objectives, Policy CP2 Protecting the quality of the rural and built environment, Policy U2A Development in Flood Risk Areas and Policy NC1 Nature Conservation.
39. The reasons 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.

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<sup>8</sup> Article 8 of the European Convention on Human Rights, enshrined into UK law by the Human Rights Act 1998.

## **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. The importance of openness is reflected in Policy H10A. Before the change of use took place the site was a largely open landscaped plot. An aerial photograph dated 2013 shows the presence of mature trees and hedgerows and the site covered in grass. A structure, which may be a chalet appeared to be sited towards the rear.
44. By the time the notice was issued in September 2018 two static caravans were stationed on the land and green space had been lost to hardstanding. The residential use of the caravan site generates domestic activity, vehicle parking and vehicle movements, which in all probability would have a greater effect on openness than the former leisure plot. Even one static caravan and a touring caravan now proposed results in a harmful loss of openness, especially in a visual respect, when compared with the former leisure use and chalet building.
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. Having regard to policy on protecting Green Belt land in the Framework, 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. 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 appeal site is a narrow, single width plot. As shown by a drone image dated September 2019 and the site photo dated October 2019 submitted by the appellant, the stationing of two static caravans, two touring caravans and vehicle parking left limited space and produced a cramped site. The proposed reduction in the numbers of caravans would help to a certain extent to free up space and allow for some planting along the rear boundary. The design criteria in the SPG would partially be met. Depending on the travelling pattern of the occupiers there may well be times when activity is absent or at a low level, but even so the site would assume a residential character. The adverse cumulative effect of the development on this plot together with the block of plots to the immediate west (Plots 7 to 10) is strong. The caravan site has eroded the qualities of the character and appearance of the Chalet Estate and conflicts with Policy RST10A.
51. The Chalet Estate is within a rural landscape characterised by gently undulating arable fields within the valley of the River Stort<sup>9</sup>. The fields are lined with a network of mature hedgerows, often with hedgerow trees. Veteran trees are a feature that contribute to the historic landscape pattern and a strong sense of tranquillity is present throughout most of the rural area. The large, nucleated village of Roydon is dominant in the settlement pattern.
52. The development of Plot 11 has not encroached into the countryside and has not affected field patterns or other key landscape characteristics. The effect on the wider landscape character would be minimal and at the hearing the Council accepted that harm was 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 location on the northern side of the estate and the small scale of the caravans. Compliance is achieved with Policy GB7A.
53. To conclude, the visual harm and loss of character is very localised to the Chalet Estate. Control on the number and type of caravans is important to achieving an acceptable site layout. The development would 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 11 is in Flood Zone 3a.
55. A site-specific flood risk assessment dated 3 August 2017 (the FRA) was carried out on behalf of the appellant using data from the Environment Agency and site levels from a topographic survey undertaken in 2017. The report states that Plot 11 is in Flood Zones 2, 3a and 3b. Summarising the results, the land would be partly flooded in the 1 in 20 annual probability event with a maximum flood depth of 0.82 metres (m). The plot would be flooded in the 1 in 100 annual probability event, except for a distance of approximately 7 m from the access road. There is also a potential risk from groundwater and pluvial flooding.

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<sup>9</sup> Key characteristics are taken from the Landscape Character Assessment January 2010, pages 96-99 C6: Roydon

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. The FRA categorisation is based on the modelled absence of flooding on the front area of the site but the results also show that the maximum depth of flooding on this plot would be noticeably more than on other plots and that the range of flood depths shows greater variability. The figures may be an indicator of unpredictability of flood depths and extents in a flood event. The probability is that the static caravan would have to be sited back from the frontage to allow for access and parking. Taking a precautionary approach Flood Zone 3a/3b is the more appropriate classification.
57. Turning to other factors in relation to avoidance and making the development safe, 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. The FRA proposes various measures to mitigate flood risk. These 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 warnings and preparation of a flood plan. These measures would manage the risk of flooding rather than remove it.
59. The FRA explained that the western and eastern parts of the single access road serving the Chalet Estate are predicted to flood for all events including the 1 in 20 annual probability event. The only means of escape for Plot 11 is westwards along the access road. A hazard analysis was undertaken based on the 1 in 100 annual probability plus 35% climate change event. The hazard rating within the site and along the access road is low risk. The deepest flood depths on the access road are found to be located at the eastern end where flood depths are predicted to be between 0.4m and 0.6m for a distance of around 40m.
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.
61. The FRA reasoned that 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.
62. 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.
63. In summary, 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. Planning Practice Guidance is that flood resistance and resilience measures should not be used to justify development in inappropriate locations. There is a strong policy objection. The appellant has demonstrated that the proposed 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 very significant amount of weight against the development on this plot.

### ***Epping Forest Area of Special Conservation***

64. The SAC is a large ancient wood pasture with a mosaic of habitats of high nature conservation value. Much of the SAC is in an unfavourable condition as a result of atmospheric pollution and also recreational pressure. By reason of the international designation, the SAC is afforded the highest level of protection through UK legislation and Government policy<sup>10</sup>.
65. The reasons for issuing the enforcement notice made no reference to the effect on the SAC. However, the Council's position has been revised and updated over the appeal process, informed by the evidence produced during the preparation of the EFDLP. The Council issued a Position Statement in October 2019 and an Interim Air Pollution Mitigation Strategy in December 2020. In the emerging EFDLP Policy DM 2 seeks to ensure there is no adverse effect on the site integrity of the SAC from development proposals, whilst Policy DM 22 includes provisions to address potential effects on biodiversity from air pollution.
66. The Council has now withdrawn its objection, following the financial contribution made by the appellant towards mitigation measures to help avoid adverse impacts of development on the integrity of the SAC. Natural England has advised, in summary, 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***

67. 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 it can be concluded that there is no pathway to the designated features and no significant effects are likely.
68. The same conclusion is not able to be reached in respect of a 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 to establish 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.
69. The conservation objective for the SAC is to ensure the integrity of the site<sup>11</sup> is maintained or restored as appropriate and ensure that the site contributes to

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<sup>10</sup> 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 (Regulations 63 and 64).

<sup>11</sup> 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'.

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 (*lucanus cervus*).

70. The Strategy explains 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 are 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.
71. 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 in accordance with the Strategy.
72. The appellant has not demonstrated through 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.
73. The proposed use of the small site alone probably would not adversely affect the integrity of the European site, but it would contribute to a cumulative adverse impact together with the other plans and projects.
74. The proposal is for one static caravan and one touring caravan for a household on a single pitch, which equates to one dwelling. A planning condition provides a means of control in this respect. The mitigation is in the form of a financial contribution to help fund a package of measures outlined above. The amount of the contribution is the same as the sum sought through the Strategy for a single dwelling. The Council has confirmed in writing that the payment will only be used to implement the approved Strategy.
75. I conclude that the development is in accordance with the Strategy and the necessary contribution to mitigation has been secured, based on a single pitch with one static caravan. The change of use complies with an aim of Policy NC1. and also complies with emerging Policies DM 2 and DM 22.

### ***Effect on the settled community and village environment***

76. 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.
77. 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 11<sup>12</sup>. 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.

78. The main issues considered above address some areas of objection. In terms of precedent, all the appeals considered at the hearing indicate pressure and need for similar development on a number of plots over the Chalet Estate. Being in a Green Belt location where planning policy places strict control on development, very special circumstances must exist to justify development. Provided that this policy test is met to allow the appeal would not set a generalised precedent.
79. The appellant is attempting to regularise the planning position through the available statutory process. There is no specific evidence to show either the first appellant or the current occupiers have not respected the settled community or that they have been responsible for anti-social behaviour.
80. 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 location<sup>13</sup> 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 not be compromised. I note that the Council raised no objections regarding accessibility and highway safety.
81. Factors contributing to the character of Roydon Conservation Area include the rural setting and the quiet residential character of the village<sup>14</sup>. The change of use of Plot 11 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.
82. 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 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.

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<sup>12</sup> 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.

<sup>13</sup> Criteria (ii) and (iii) of Policy H 4 Traveller Site Development in the emerging EFDLP

<sup>14</sup> Roydon Conservation Area Character Appraisal September 2006 paragraph 3.2

83. The policy indicators show that there is the potential for the development of Plot 11 to be compatible with the settled community. Its modest scale would not harm the character of the village. The contribution to the effects of cumulative change would be minor.

***Intentional Unauthorised Development***

84. 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 cases 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.
85. 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 and as a result the occupiers probably knew planning permission was required for the caravan site. A planning application was made in response to the issue of an enforcement notice in September 2018.
86. Harm has been caused to the Green Belt. The opportunity to limit harm was lost. Little information exists to explain why development was proceeded with, although the site would be close to members of the extended family on adjacent plots and elsewhere on the estate. Unauthorised roadside camping may have been avoided.
87. In conclusion intentional unauthorised development occurred, a consideration which has moderate weight.

***Need and supply of traveller sites***

88. 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.
89. 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.
90. 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 definition<sup>15</sup>.

91. 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 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.
92. 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.
93. 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 included in the appeal documents 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.
94. 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.
95. The Council confirmed at the hearing that the requirement of 64 pitches included 'new' need from unauthorised sites, including pitches on the Chalet Estate<sup>16</sup>. 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.
96. 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

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<sup>15</sup> 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.

<sup>16</sup> Hearing Document 4

absence of more specific evidence considerable uncertainty remains over the timing of delivery of these pitches.

97. 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 up the supply of pitches to meet the identified requirement to 2033. Some of the proposed allocations are on Green Belt land.
98. The need 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 cater for increasing accommodation needs. The Submission Version of the EFDLP dates back to 2017, although work commenced 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 has a small degree of weight, given the Council's commitments to move forward through the EFDLP.
99. In addition to general need, the availability (or lack) of alternative accommodation for the current occupiers is as a relevant consideration, as indicated by the PPTS. The Council was not able to help in suggesting 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 occupier 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
100. 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***

101. The change in land ownership brought a change in occupation. Mr Casey moved onto the plot in 2019 from another plot on the estate and now lives there with his wife and 1 year old child.
102. Mr Casey travels around the country doing roofing and tree work and also goes to horse fairs. He has 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.

103. At the hearing Mr Casey explained that he considered Roydon to be home, they would like to stay and wanted their son to be able to attend school. I do not doubt that the plot facilitates the family's 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 their very young child and could be detrimental to the child's well-being and future education. The potential environmental costs of unauthorised camping are also a factor that supports their continued occupation of the plot. The personal circumstances provide significant weight in support of the development.

### **Planning balance**

104. The main policy objections focus on the harm to the Green Belt by reason of inappropriateness and loss of openness, which has substantial weight. In addition, the location of the vulnerable development where there is a high risk of flooding has very significant weight, notwithstanding the proposed mitigation measures. Achieving a well designed, functional and safe site layout is constrained by the narrow width of the plot. The harm to the character and appearance of the Chalet Estate has significant weight, although the effect on the wider landscape character of the area is neutral. The probability that the unauthorised development was carried out intentionally has moderate weight.

105. The small caravan site respects the scale of the nearest settled community and the SAC based objection has been satisfactorily addressed. These considerations are neutral in the planning balance.

106. In support of the development the consideration focused on need and supply of traveller sites, including the absence of a 5 years' worth supply of specific deliverable sites, has substantial weight. The failure of policy argument adds little additional weight. The personal need for a pitch and other family circumstances, including the best interests of the child has significant weight. I also have in mind the serious interference with home and family life that would follow a refusal of planning permission.

107. 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. Notwithstanding the compliance with Policies NC1, GB7A and CP2, the material change of use is not in accordance with the development plan when read as a whole. The conflicts with national policy on protecting the Green Belt, securing good design and ensuring sites are well planned to enhance the environment and promote a safe place to live provide a strong reason for following the direction of the development plan. The development is not acceptable on a permanent basis.

### ***Temporary planning permission***

108. 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.

109. 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. As considered in the section on Need above, 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 permanently<sup>17</sup>.
110. A time limited period requires adjustments to the weights attached to the various harms and considerations in the planning balance. Harm to the Green Belt would not be permanent but potentially for a relatively short period. The level of flood risk would not change and the question becomes whether the risk should be tolerated for a limited period, having regard to the safety of the occupiers, including a vulnerable child, public safety more generally and the possible safety and well-being consequences for the family if they are not allowed to stay. The plot size constraint to a well-planned site, together with the visual harm and loss of character to the estate is more readily tolerated for a time limited period.
111. PPTS at paragraph 27 states the absence of an up-to-date five year supply of deliverable sites should be a significant consideration, except where the proposal is on Green Belt land. However, the pressing need in Epping Forest District for sites, the extent of the Green Belt, the timescale of the local plan process, the location of proposed allocations and the uncertainty over future site delivery are good reasons for attaching weight to the considerations of need and supply of traveller sites. In addition, the best interests of the very young child on the plot must be a primary consideration and the serious consequences of the family losing their home have very significant weight all matters considered.
112. To satisfy the Green Belt test the totality of the identified harm must be clearly outweighed by other considerations. Even with the adjustments the test is not met. Very special circumstances do not exist and the caravan site is not acceptable for a temporary period. The material change of use is not in accordance with the development plan when read as a whole. The conflicts with national policy on protecting the Green Belt, securing good design and ensuring sites are well planned to enhance the environment and promote a safe place to live also weigh against allowing the development for a temporary period.

### ***Proportionality assessment***

113. A failure to secure planning permission and dismissal of the appeal would mean that the unauthorised use as a caravan site would have to cease. The prospect of the current occupiers would have the prospect of losing their home, with the potential serious consequences for their well-being. However, the interference would be in accordance with the law and in the public interest to protect the environment and public safety. It is the case that the current occupiers moved onto the plot after the issue of the enforcement notice, which

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<sup>17</sup> Planning Practice Guidance: The use of planning conditions, paragraph: 014 Reference ID: 21a-014-20140306; PPTS paragraph 27

makes their position in terms of human rights slightly less strong. In the circumstances refusal of planning permission is necessary and proportionate, provided that the compliance period is reasonable. This is a matter for the ground (g) appeal.

### **Conclusion**

114. The appeal on ground (a) does not succeed.

### **Appeal on ground (f)**

115. As explained when considering the validity of the notice, a correction to the description of the breach is necessary, together with corrections to the requirements to ensure consistency.

116. The issue in the ground (f) appeal is to ensure the requirements are not excessive to achieve the purpose of the notice, which is to remedy the breach of planning control. I have disagreed with the appellant in relation to specifying an acceptable level of residential use.

117. In these terms the ground (f) appeal does not succeed.

### **Appeal on ground (g)**

118. The compliance period must be reasonable and proportionate. The period for compliance is 6 months. The appellant has requested a period of 12 months because the residents have nowhere else to live in their caravans. The Council initially resisted an extension to the period.

119. Effective enforcement is important to maintain the integrity of the decision-making process and to tackle breaches of planning control that have an unacceptable impact on the amenity of the area. A period of longer than 12 months generally has to be justified by exceptional circumstances. Consideration must be given to what would have to be done in practice to carry out all the remedial steps, as well as the level and type of harm resulting from the development. The level and type of harm are also relevant. The public safety implications here are of particular concern.

120. The appellant and occupiers of the land would need time to weigh up and explore the options open to them, bearing in mind that circumstances have moved on since the enforcement notice was issued. The vulnerability of the family indicates the maximum opportunity should be allowed to enable them to find an alternative pitch. Balancing all the considerations, a period of 12 months is reasonable and proportionate to cease the use, with an additional 2 months to carry out the works to remove the hardstanding and clear the site. The appeal on ground (g) succeeds.

### **Conclusion**

121. For the reasons given above the appeal should not succeed. I shall uphold the enforcement notice with corrections and variations and refuse to grant planning permission on the deemed application. This outcome does not violate the human rights of the occupiers.

## **DECISION**

122. It is directed that the enforcement notice be corrected by the deletion of the words describing the breach of planning control in paragraph 3 and the substitution of the words: "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."
123. It is also directed that the enforcement notice be corrected by:
- the deletion of steps (i) to (iv) inclusive in paragraph 5 and the substitution of the following steps:
    - i. Cease the use of the Land as a residential caravan site.
    - ii. Remove from the Land all caravans, hardstanding and other structures provided and used in association with the use of the Land as a residential caravan site.
    - iii. Remove from the Land all domestic paraphernalia associated with the use of the Land as a residential caravan site and any debris resulting from compliance with steps (i) and (ii).
124. It is directed that the enforcement notice be varied by the deletion of the words in paragraph 6 under the heading Time for Compliance and the substitution of the words "Step (i) 12 months after this notice takes effect. Step (ii) and step (iii) 14 months after this notice takes effect."
125. Subject to these corrections and variation the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

*Diane Lewis*

Inspector

## **APPEARANCES**

### **FOR THE APPELLANT:**

|                            |                            |
|----------------------------|----------------------------|
| Alison Heine BSc MSc MRTPI | Heine Planning Consultancy |
| Christopher Moran          | An Appellant               |
| Michael Casey              | Occupier of plot           |

### **FOR THE LOCAL PLANNING AUTHORITY:**

|                                      |                                            |
|--------------------------------------|--------------------------------------------|
| Phillip Hughes BA Hons MRTPI<br>MCMI | Principal PHD Chartered Town Planners      |
| Mark Beard of Counsel                | Instructed by the local planning authority |

### **FOR ROYDON PARISH COUNCIL:**

Angelica Rokad of Counsel  
Kathryn Claydon

### **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 LODGE CHALET ESTATE APPEALS: SUMMARY OF DECISIONS**

| <b>Plot number</b> | <b>Appeal refs</b>                                | <b>Decision<br/>Enforcement appeal</b>                                                                 | <b>Decision<br/>s78 appeal</b>                        |
|--------------------|---------------------------------------------------|--------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| 1B                 | C/18/3215158<br>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,<br>C/18/3215160<br>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,<br>C/18/3215163<br>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,<br>3215166, 3215167<br>W/18/3204590 | Appeals allowed, enforcement notice as corrected quashed, planning permissions granted                 | Appeal allowed, planning permission granted           |
|                    |                                                   |                                                                                                        |                                                       |
| 25 & 26            | C/18/3215169<br>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<br>C/18/3215176<br>W/18/3204595 | Enforcement notice quashed                                                                                      | Appeal allowed,<br>temporary<br>planning<br>permission<br>granted |
|         |                                              |                                                                                                                 |                                                                   |
| 33 & 34 | C/18/3215177                                 | Enforcement notice quashed                                                                                      |                                                                   |
|         |                                              |                                                                                                                 |                                                                   |
| 38      | W/19/3222126                                 |                                                                                                                 | Appeal allowed,<br>planning<br>permission<br>granted              |
|         |                                              |                                                                                                                 |                                                                   |
| 49      | C/18/3215178<br>C/18/3215179<br>W/18/3204596 | Appeals allowed,<br>enforcement notice as<br>corrected quashed and<br>temporary planning<br>permissions granted | Appeal allowed,<br>temporary<br>planning<br>permission<br>granted |
|         |                                              |                                                                                                                 |                                                                   |

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