



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 RTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2022

Appeal Ref: APP/J1535/C/18/3215161

Land at Plot 7 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, 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 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 variations.

Procedural Matters

1. The appellant was the owner of the land when the enforcement notice was issued. The land has since been sold to the Moran family. An appeal may be continued by a subsequent land owner provided that there is a letter of consent from the original appellant. In the event no consent is given the new owner is treated as a third party. Written confirmation was received from the former owners that the appeal may proceed in their name on behalf of the new owner¹.

¹ Document 2

2. The appeal for Plot 7 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. A summary of all Decisions is attached for information.
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. Natural England was consulted in relation to the Epping Forest Special Area of Conservation (the SAC) and a response was received on 27 April 2022.
4. I carried out site visits to the Chalet Estate on 25 and 29 October 2021 as well as familiarising myself with the surrounding area on other occasions.

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 are served by a central access road and the 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 dwellings and two plots with very recently built chalet style dwellings.
8. Plot 7 is a long single width plot sited to the north of the access road, towards the eastern end of the Chalet Estate². Planning permission was granted for the erection of a weekend chalet in 1952 and in 1999 planning permission was granted for its enlargement. The Council refers to standard conditions being imposed on the permissions, to the effect that occupation of the chalet was restricted solely for recreational purposes during the months April to October inclusive, with no use at any time for permanent residential accommodation.
9. According to the Council the land was a landscaped plot with a weekend chalet in 2012. The land was purchased in March 2017, hardstanding was laid in April 2017 and a temporary stop notice was issued. In September 2017 hardstanding remained and the site was occupied by two static caravans

² Information on the planning history is taken primarily from the plot specific Annexe to the Council's statement, Document 10 submitted at the hearing and the plot specific information provided by the appellant.

forward of the chalet building. A similar position was described March 2018 and in September 2019.

10. On the appeal site visit in October 2021 Plot 7 formed part of a double plot with Plot 8 served by a single access. The original extended chalet looked to have been restored. There were two static caravans and a motor home. The double plot was laid to hardstanding and enclosed by close boarded fencing, with vegetation to the eastern side.

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 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 for 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 38³. 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. 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.
13. In response to a pre-hearing note⁴ the Council confirmed that it was satisfied that the breach described the use accurately and precisely. This position was reaffirmed at the hearing. In the event 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 and the Land

14. 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

³ Appeal ref APP/J1535/C/11/2160430 dated 25 May 2012 and Appeal ref APP/J1535/C/14/2211759 dated 30 July 2015

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

⁵ Document 1

provision if it enables any person on whom a copy is served to know what those matters are.

15. The description of the alleged breach in section 3 of the notice is consistent with wording set out in the officer report seeking authorisation for enforcement action (the enforcement report). 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 the allegation but generally it is better to do so. In this instance the former use as a recreational leisure plot use is not disputed. In view of the planning history of the appeal plots and the Chalet Estate the probability is that the land was used for pleasure and enjoyment during the owner's leisure time. The *Pitman* case⁶ confirmed that use of land as a leisure plot can exist as a separate use in its own right. The 2012 description of a landscape dominated plot with weekend chalet is consistent with such a leisure use.
16. Furthermore, there is no dispute that the Land changed to a single primary use for residential purposes where the living accommodation is within caravans⁷. 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.
17. The evidence indicates that no touring caravans were observed on the land prior to the issue of the notice, yet the description of the breach includes touring as well as static caravans. This minor matter could be corrected, whether by deleting 'touring caravans' or by not being specific as to the type of caravan.
18. Turning to the definition of the Land, the plan attached to the notice confirms that the Land is a single width plot. Information from the appellant indicated that the first occupiers of plot were members of the same extended family who were living on Plots 8 and 9. After a change in ownership, by 2021 the land appeared to have been combined with the adjacent Plot 8 to function as a double plot. The appellant and the Council did not question the definition of the land. It is also the case that a notice should reflect conditions and circumstances at the time of issue and does not have to be directed at a planning unit as a whole. I will proceed on the basis of the single width plot.

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.

⁶ *Pitman v Secretary of State for the Environment* [1989] JPL 831

⁷ 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.

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. Linked to this point the appellant expressed concern that the Council's position over the lawful use of the land had changed. Early drafts of the statement of common ground accepted that 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.
21. As seen from the statutory provision, the function of the requirements is to achieve the purpose of the notice. 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 appellants that the requirements should, as a matter of course, identify 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. Whilst the chalet remains on site, there is no evidence that a primary residential use was carried out or became lawful.
22. In the Requirements steps (i), (iii) and (iv) indicate that the purpose is to remedy the breach by discontinuing the use of the land as a residential caravan site and by removing all caravans, works and domestic paraphernalia that facilitate a residential use. Step (ii) also requires the residential use of the Land to cease but adds a qualification of a time period, suggesting a residential use outside of the stated months is acceptable. The enforcement report does not assist in explaining this inconsistency.
23. During the general discussion at the hearing the Council stated that the intention was step (ii) should read cease the recreational use of the land between 1 November and 31 March⁸. 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 Council also stated step (ii) was an attempt to make clear enforcement action was not being taken 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 38⁹. If that was the intention it is not followed through in steps (iii) and (iv).
24. These considerations lead me to conclude that step (ii) should be deleted in order to make the requirements consistent. 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 appellant or the Council.
25. 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

⁸ 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

⁹ 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."

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).

26. Step (ii) implies that a residential use is acceptable for part of the year. Its deletion or part deletion would remove a degree of under-enforcement and the notice would be more restrictive than provided for originally. Its deletion would reflect a view expressed by the Council at the hearing and in the statement of common ground, although not its apparent position at the time of issuing the notice. On the other hand, the appellant would be worse off and 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

27. An alternative is 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.
28. 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 can be made without injustice to either the appellant or the Council.

Conclusions

29. 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

30. The deemed planning application is seeking planning permission for the development described in 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 facilitating the use, including the installation of hardstanding.
31. The Plot 7 appeal site is equivalent to the Land as shown on the plan attached to the enforcement notice. The deemed planning application is not for the development on the now existing double plot, which has created a new planning unit.

Planning Policy

32. 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).
33. The most important policies for determining the appeals 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 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. 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.
34. 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).
35. The most important policies identified above are generally consistent with the Framework and have full weight.
36. 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.

Main Issue

37. 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.
38. 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.
39. 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.
40. The carrying out of intentional unauthorised development is an additional matter to be considered.
41. 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.
42. Integral to my decision-making will be exercising duties under the Human Rights Act 1998. Article 8, a Convention Right¹⁰, affords a person the right to respect for their private and family life, their home and their correspondence. Article 8 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. I also will have due regard to the public sector equality duty (PSED) under the Equality Act 2010.

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. In this instance before the change of use took place the site was a largely open landscaped plot with a chalet building sited towards the rear boundary. Aerial photographs show the presence of mature trees and hedgerows and much of the site was covered in grass.
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 appellant stated at the hearing that permission was being sought to have one static and one touring caravan on the land. Nonetheless, because of the narrow width of the plot, most of the area would be occupied by physical structures comprising the caravans and the chalet. The remainder of the site would be hard surfaced to provide for vehicle parking, circulation and a base to station the caravans. In all probability the residential use would generate more activity and vehicle movements than the former leisure plot. The result is a harmful loss of openness when compared with the former use and chalet building. Objectives in criterion (i) of Policy CP1 and criterion (ii) of Policy H10A are not met.
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, I conclude that the harm to the Green Belt, by reason of inappropriateness and a loss of openness, has substantial weight.

¹⁰ Article 8 of the European Convention on Human Rights, enshrined into UK law by the Human Rights Act 1998.

Character and Appearance

47. The gently undulating arable fields within the valley of the River Stort is a key landscape characteristic of the area. 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. A strong sense of tranquillity is present throughout most of the rural area¹¹.
48. The development of Plot 7 has not encroached into the countryside. Field patterns and other key landscape characteristics have remained unchanged. The effect on the wider landscape character would be minimal and at the hearing the Council accepted that any harm would be localised.
49. 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.
50. 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.
51. 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. As indicated by the number of enforcement notices issued in September 2018 much of the development taking place in the last few years has not been authorised.
52. The appeal site is a narrow 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 to the front of the enlarged chalet building left little space. Even if a touring caravan replaced one of the static caravans the site still would have a cramped layout, especially when compared to other plots. Apart from along the rear boundary very little space would exist for greenery or planting. The design criteria in the SPG would not be met. A caravan site on this narrow plot would contribute to the cumulative adverse change on the Chalet Estate.
53. 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 low profile of the caravans. By contrast the roofs and other elements of permanent dwellings on the estate were more prominent.

¹¹ Key characteristics are taken from the Landscape Character Assessment January 2010, pages 96-99 C6: Roydon

54. In conclusion, achieving a well-planned layout is severely constrained by the size and shape of Plot 7, which probably led to the enlargement of the site after the enforcement notice was issued. The harmful change in land use character and appearance would not be in keeping with the Chalet Estate and is not supported by Policy RST10A. The harm would be localised to the Chalet Estate and development would not result in significant harm to the character and appearance of the wider countryside. The site is not conspicuous and the development would not have an excessive adverse impact on the rural character and visual amenities of the Green Belt. Accordingly, there is compliance with Policies CP2 and GB7A and part compliance with criterion (ii) of Policy H10A.

Flood risk

55. 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 7 is in Flood Zone 3a.
56. A site-specific flood risk assessment dated 3 August 2017 (the FRA) was carried out on behalf of the appellants using data from the Environment Agency and site levels from a topographic survey undertaken in 2017. The report states that Plot 7 is in Flood Zone 3b. The land would be entirely flooded in the 1 in 20 annual probability event with a flood depth range from 0.11m to 0.44m. Flood depths in the 1 in 100 annual probability event would range from 0.21m to 0.52m. The site is also found to be potentially at risk from groundwater and surface water flooding.
57. 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, the FRA draws attention to relevant factors in relation to avoidance and making the development safe.
58. 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.
59. 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. Planning Practice Guidance is that flood resistance and resilience measures should not be used to justify development in inappropriate locations.
60. The FRA explained that the western and eastern parts of the estate access road are predicted to flood for all events including the 1 in 20 annual probability event. The only means of escape for Plot 7 is westwards along the 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 are located at the eastern end where depths are predicted to be between 0.4m and 0.6m for around 40 m.

61. According to the FRA flash flooding is unlikely to occur because of the size of the River Stort catchment at this location, providing residents time to respond to flood alerts and warnings and to leave the site safely.
62. 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.
63. 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.
64. In summary, the proposal is a highly vulnerable form of development. The use of the land as a caravan site in the functional flood plain (based on the FRA which is site specific) 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. However, measures have been identified to reduce risk and make the development flood resistant. Escape routes would present a low risk and flood risk would not be increased elsewhere. I conclude the issue of flood risk provides significant weight against the development.

Epping Forest Special Area of Conservation

65. 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 policy¹². Much of the SAC is in an unfavourable condition as a result of atmospheric pollution and also recreational pressure.
66. The Council's understanding and approach to development that is likely to have a significant effect on the SAC has evolved considerably during the preparation of the EFDLP, informed by the Appropriate Assessment for the emerging plan. 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 and requires mitigation as appropriate in line with the Strategy. Policy DM 22 addresses air quality and includes provisions to address potential effects on biodiversity from air pollution.
67. The reasons for issuing the enforcement notice made no reference to the effect on the SAC but the Council's position has been revised and updated during the appeal process. The final position is that 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.

¹² 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)

Habitats Regulations Assessment

68. Step 1 'Screening' establishes whether there is a pathway for effect on the designated features of a European site and whether significant effects are likely.
69. 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 affect the designated features and no significant effects are likely.
70. 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. It is necessary to move to stage 2 the appropriate assessment (AA) 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.
71. The conservation objective for the SAC is to ensure the integrity of the site¹³ 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 (*lucanus cervus*).
72. 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.
73. 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 the implementation of the Strategy. 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.
74. 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 former leisure use probably was a less intensive use than the proposed use. Moreover, an aim is to restore the condition of the SAC, not to stop the condition deteriorating further.

¹³ 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'.

75. 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.
76. The mitigation secured is in the form of a financial contribution to help fund a package of measures outlined above. The amount of the contribution equates to 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.
77. Having due regard to advice from Natural England I conclude that air quality should not be considered an impediment to a favourable determination of the deemed application. The change of use complies with an aim of Policy NC1 and complies with emerging Policies DM 2 and DM 22.

Effects on the settled community and village environment

78. 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.
79. 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 7¹⁴. 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.
80. I have addressed some areas of objection in the main issues above. In terms of precedent, all the appeals considered at the hearing indicate that pressure and a personal need for similar development on a number of plots over the Chalet Estate. In view of the Green Belt location planning policy places strict control on development and very special circumstances must exist to justify inappropriate development. Provided that this policy test is met to allow the appeal would not set a generalised precedent.
81. 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 first or the current appellant and his family have not respected the settled community or that they have been responsible for or been involved in anti-social behaviour.
82. 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 criteria¹⁵ 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

¹⁴ 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.

¹⁵ In particular criteria (ii) and (iii) of Policy H 4 Traveller Site Development in the emerging EFDLP

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.

83. Factors contributing to the character of Roydon Conservation Area include the rural setting and the quiet residential character of the village¹⁶. The change of use of Plot 7 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.
84. 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.
85. The policy indicators show that there is the potential for successful integration between the occupiers of the plot and the settled community. The small scale development of Plot 7 would not dominate the local settled community or harm the character of the village. Any contribution to the effects of cumulative change would be minor.

Intentional Unauthorised Development

86. 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.
87. As a matter of fact the development occurred without the benefit of a planning permission. A temporary stop notice had been 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.
88. 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.
89. In conclusion intentional unauthorised development occurred, a consideration to which I attach a moderate degree of weight.

¹⁶ Roydon Conservation Area Character Appraisal September 2006 paragraph 3.2

Need and supply of traveller sites

90. 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.
91. 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.
92. 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 definition¹⁷.
93. 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.
94. 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.
95. 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.
96. 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

¹⁷ 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.

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.

97. The Council confirmed at the hearing that the requirement of 64 pitches included 'new' need from unauthorised sites, including pitches on the Chalet Estate¹⁸. 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.
98. 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.
99. 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.
100. The shortfall in 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. The continued failure of authorities to address the issue adequately in Epping District and in many other areas has led to the 'failure of policy' argument being cited in support of proposed traveller sites.
101. In Epping Forest District the development plan made no site allocations and reliance has been on private site provision to meet increasing accommodation needs. The Submission Version of the EFDLP dates back to 2017, although work on the plan commenced 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

¹⁸ Hearing Document 4

travellers on unauthorised sites. The 'failure of policy' argument now has a small degree of weight given the Council's commitments to move forward through the EFDLP.

102. With reference to the PPTS, the availability (or lack) of alternative accommodation for the applicants 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.
103. The appellant did not explain what efforts were made to look for an alternative site following the service of the enforcement notice as a means of supporting his case. However, there is no requirement in planning policy, or case law, for an applicant to prove that no other sites are available or that particular needs could not be met from another site. Likewise, there is no obligation on a local authority to provide a site. The probability is that finding a suitable alternative pitch would be difficult 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.
104. 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

105. Initially the site was occupied by Mr O'Connor with his wife and three of their four children. His fourth son and his partner lived on the adjacent plot. The Moran family bought Plot 7 together with Plot 8 for the two nephews of Mr Moran Snr. Mr Moran his partner and their two very young children now live on the combined plot. Before settling on the estate they were doubling up on plots with other family members when not travelling.
106. Mr Moran travels with his brother doing roofing work. The Council do not dispute they have PPTS status and there is just sufficient information to conclude that is the case. Based on human rights law there is a positive obligation to facilitate the gypsy way of life. The occupiers share a protected characteristic and under the PSED I must have due regard to the need to remove or minimise disadvantages and advance equality of opportunity between persons.
107. The plot facilitates the family's traditional way of life as travellers. The benefits of health, education and community services are accessible and enable improvement to the quality of life. 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 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

108. The overall assessment is based on the site as defined in the enforcement notice, not the current position of occupation in conjunction with Plot 8.

109. The main policy objections focus on the harm to the Green Belt by reason of inappropriateness and loss of openness, which has substantial weight. The location of the vulnerable development where there is a high risk of flooding has significant weight, taking account of the proposed mitigation measures. Achieving a well-designed, functional site layout is severely constrained by the narrow width of the plot. The resultant harm to the character and appearance of the Chalet Estate has significant weight. The probability that the unauthorised development was carried out intentionally has moderate weight. The fundamental policy conflicts and plot size are not able to be satisfactorily overcome by the use of planning conditions.
110. The wider landscape character of the area remains undisturbed. The small caravan site respects the scale of the nearest settled community and having secured appropriate mitigation no concern remains in respect of the SAC. These considerations are neutral in the planning balance.
111. In support of the development the various aspects need, the absence of a 5 years' worth supply of specific deliverable sites and the lack of a suitable alternative pitch have substantial weight. The failure of policy argument adds very little additional weight. The personal need for a pitch and other family circumstances, including the best interests of the children has significant weight. I also have in mind the serious interference with home and family life that would follow a refusal of planning permission.
112. 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

113. 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.
114. 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 permanently¹⁹.

¹⁹ Planning Practice Guidance: The use of planning conditions, paragraph: 014 Reference ID: 21a-014-20140306; PPTS paragraph 27

115. The weights attached to the various harms and considerations in the planning balance require adjustment to take account of the use over a time-limited period. Harm to the Green Belt would not be permanent but potentially for a relatively short period. The level of flood risk would be the same but again would be for a specified period. The implications of inadequate site size would continue to be very real constraint and argue strongly against the grant of a permission. On the matter of need, I have taken account of PPTS paragraph 27 in respect of the absence of an up-to-date five year supply of deliverable sites²⁰. In this case the shortfall in sites reflects the pressing need in Epping Forest 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 children and the probable hardship if the family lost their home have substantial weight all matters considered.
116. I conclude that the totality of the identified harm is not clearly outweighed by other considerations. Very special circumstances do not exist. That being so the use fails to comply with Policy H10A and Policy GB2A. The material change of use is not in accordance with the development plan when read as a whole. The conflicts with national planning policy on protecting the Green Belt, securing good design and ensuring sites are well planned to enhance the environment and promote a safe place also weigh against the development. The caravan site is not acceptable for a temporary period.

Proportionality Assessment and Conclusion

117. The failure to secure planning permission would require the use as a caravan site to cease. The layout on the combined plots in October 2021 placed the static caravans with the main living accommodation on the adjacent plot and the restored chalet and a motorhome occupied the appeal site. Nevertheless, the appeals in respect of Plots 8 and 9 also are unsuccessful. Dismissal of the appeal would lead to the prospect of the current occupiers 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. 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.
118. The appeal on ground (a) does not succeed.

Appeal on ground (f)

119. The requirements must not be excessive to achieve the purpose of the notice, which is to remedy the breach of planning control. As explained when considering the validity of the notice, corrections to the description of the breach are necessary and the requirements must be consistent with the corrected wording. However, I have disagreed with the appellant in relation to specifying details of an acceptable leisure use and ancillary residential use. The proposed wording is specific to a primary use as a residential caravan site.
120. The Council's proposed wording of step (ii) requires the removal of all caravans, hardstanding, structures on the Land in association with the

²⁰ 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.

residential use. The planning history confirms that the chalet building predated the change of use by a number of years and therefore to require its removal would be excessive. The requirement to cease the use of the land as residential caravan site is sufficient to control the use of the chalet.

121. There is partial success on ground (f) and the wording of the requirements will be varied accordingly.

Appeal on ground (g)

122. The issue is whether the compliance period is 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.
123. 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. Consideration must be given to what would have to be done in practice to carry out all the remedial steps. A period of longer than 12 months generally has to be justified by exceptional circumstances. The level and type of harm is a further factor to be taken into account.
124. The appellant and occupiers of the land would need to weigh up the options open to them and circumstances have moved on since the enforcement notice was issued. Maximum opportunity should be given to the occupiers to find an alternative site or solution in order to avoid the hardship of a roadside existence.
125. 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) partially succeeds.

Conclusion

126. 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

127. 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."
128. It is directed that the enforcement notice be varied 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 structures provided and used in association with the use of the Land as a residential caravan site, except the chalet building.
- 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).
- 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."

129. Subject to these corrections and variations 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
Christopher Moran

Heine Planning Consultancy
An Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Phillip Hughes BA Hons MRTPI
MCMJ
Mark Beard of Counsel

Principal PHD Chartered Town Planners
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 Halfon 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

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.