



Appeal Decision

Hearing Held on 26 to 28 October 2021

Site visit made on 29 October 2021

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

an Inspector appointed by the Secretary of State

Decision date: 13 May 2022

Appeal Ref: APP/J1535/C/18/3215174

Land at Plot 32 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 Moran against an enforcement notice issued by Epping Forest District Council.
- The enforcement notice was issued on 28 September 2018.
- The breach of planning control as alleged in the notice is:
Without planning permission: The material change in the use of the Land from a recreational leisure plot use to a residential use including the stationing of static caravans, touring caravans and associated development, including the installation of a cess pit and hardstanding.
- The requirements of the notice are:
 - i. Cease the use of the Land as a residential caravan site.
 - ii. Cease the 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 allowed, the enforcement notice as corrected is quashed and planning permission is granted in the terms set out below in the Formal Decision.

Procedural matters

1. The appeal for Plot 32 was heard together with a number of appeals concerning various plots at Roydon Lodge Chalet Estate (the Chalet Estate) in relation to enforcement notices issued by the Council and against refusals of planning permission.
2. The discussion at the hearing considered the site history, matters specific to the enforcement notices, planning merit issues, plot specific matters and concerns of the Parish Council and residents that formed no part of the Council's case. Even though certain issues were discussed in the round to avoid

repetition, each appeal will be considered on its individual merits with a single decision letter addressing the appeal(s) for each plot. A summary of all Decisions is attached for information.

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

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 estate comprises a number of plots of land served by a central access road leading to a vehicle entrance at the western end. A single track road and a network of public rights of way link the Chalet Estate to the village. A railway line follows the northern boundary, otherwise the plots are bounded by fields to the south and east.
6. In the late 1940s the land consisted of around 50 allotment plots, provided as part of the Dig for Victory campaign during World War Two. The allotments subsequently became leisure plots. On 18 May 1951 enforcement notices were issued requiring each plot to be cleared of all structures. At the same time the Council stated that it was not the intention to stop the use of the land for gardening purposes or to prohibit weekend and holiday occupation of a suitable type of chalet during the summer months.
7. Thereafter a planning history has developed specific to each plot or combined plots. A small number of plots are characterised by garden land with a small traditional chalet or appear vacant and overgrown. A number of plots are occupied as caravan sites. There are also plots with lawful dwellings and a few plots where chalets have been built very recently.
8. The planning history for Plot 32 was summarised in an appeal decision against an enforcement notice issued on 13 April 2011¹. The unauthorised development was the laying of a hard surface of tarmac planings over all the plot and the erection of a wooden building, a fence and gates and two lamp posts. The site had a lawful use as a leisure plot. Planning permissions were granted in 1951 and 1987 for the erection of a recreational chalet and its replacement. These buildings were removed before the carrying out of the operational development enforced against. There was already an enforcement notice in place dating back to 1999 against the stationing of a caravan on the land. The 2011 appeal was dismissed and the enforcement notice as varied was upheld.
9. The Council recorded a landscaped plot with the weekend chalet in 2012. In March 2018 the site was laid to hardstanding and two static and two touring caravans were stationed on the land. In September 2019 the site was covered by hardstanding and occupied by two static caravans and a touring caravan.

¹ Appeal Decision ref: APP/J1535/C/11/2153982 dated 29 November 2011. Further information is included in the plot specific Annexe to the Council's statement, Document 10 submitted at the hearing and the plot specific information provided by the appellants.

10. In October 2021 a static caravan was positioned towards the back of the single plot, parallel with the rear boundary and there were a couple of small sheds. The land was hard surfaced and enclosed by close boarded fencing.

Enforcement Notice

11. The appellant 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. The issues raised are not confined to whether the requirements are excessive, a matter that would be dealt with through the ground (f) appeal. The power under section 176 of the 1990 Act to correct or vary an enforcement notice may only be exercised if the correction or variation can be done without injustice to either the appellant or the Council.

Background

12. The wording and validity of enforcement notices related to changes of use of plots on the Chalet Estate have been the subject of much discussion and examination in the past. I have considered at some length the appeal decisions issued in May 2012 and July 2015 regarding Plot 38². Disputed issues included the description of the previous lawful use in the alleged breach and the specification of the requirements, particularly in respect of allowing for the continuation of a lawful residential element. 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. However, 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 a pre-hearing note in April 2020 I asked the Council why the new use described in the allegation is not described as a residential caravan site, especially in view of the wording of the requirements³. I also questioned inconsistencies within the wording of the requirements. At the time the Council confirmed that it was satisfied that the breach described the use accurately and precisely. This position was reaffirmed at the hearing, although if I was minded to correct the notice the Council put forward an alternative form of wording: "The material change of use of the Land from a recreational leisure plot use to use as a residential caravan site".⁴ In addition, various amendments were put forward by the Council and the appellant during the appeal process.

Alleged breach of planning control

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

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

³ Inspector's Pre-Hearing Note 2 dated 16 April 2020.

⁴ Document 1

15. 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 it is generally 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 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* case⁵ confirmed that use of land as a leisure plot can exist as a separate use in its own right. Furthermore, it is common ground that the Land is now in a single primary use for residential purposes where the living accommodation is within caravans⁶. Despite the use of the word 'including' in the allegation, no other form of residential use is identified. The allegation also reasonably refers to the installation of hardstanding and other minor works as associated development, which have facilitated the change of use.
16. The wording of the alleged breach of planning control, when considered on its face, meets the statutory test.

Requirements

17. 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 breach. Case law has confirmed that the express requirements of an enforcement notice should not abrogate pre-existing rights.
18. The appellant maintained that the requirements should be clear on the level of residential use that would be acceptable, as it was understood that there were no restrictions on a residential use of a caravan for 7 months of the year. A similar argument was presented in the 2012 appeal decision on Plot 38, which the Inspector found on the evidence to be persuasive. The appellant also understood the Council accepted that the plots can be used for leisure purposes, including residential occupation, for 7 months each year from 1 April until 31 October. The Council's deletion of the phrase "including residential occupation" in the final version of the statement of common ground therefore was of concern.
19. 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.

⁵ *Pitman v Secretary of State for the Environment* [1989] JPL 831

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

20. Nevertheless, there appears to be a conflict in the wording of the Requirements. In short, steps (i), (iii) and (iv) are directed at ensuring the residential caravan site use ceases, 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.
21. In seeking clarification through the general discussion at the hearing the position of the Council was not entirely clear or consistent throughout. At one point the Council stated the intention was that step (ii) should read cease the recreational use of the land between 1 November and 31 March⁷. Taken in isolation I am not persuaded by this explanation for this plot⁸ because no chalet remains and a recreational use of the land could lawfully take place all year round. However, the Council also stated that 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 38⁹. If that was the intention it is not followed through in steps (iii) and (iv).
22. These considerations lead me to conclude that in order to make the requirements consistent step (ii) should be deleted. It is not a question of deleting an excessive requirement and such a correction can only be made if it would not cause injustice to either the appellants or the Council.
23. 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).
24. Step (ii) implies that a residential use is acceptable for part of the year. If deleted the notice would be more restrictive than provided for originally. The appellant would be worse off and hence injustice would be caused. That being so, the uncertainty created by step (ii) is not able to be resolved by its deletion as a single amendment to the notice.

Alternative wording

25. 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.
26. 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

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

⁸ The Council's comment is more relevant to Plots 32B and 32C.

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."

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

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

Appeal on ground (a) and deemed planning application

28. The description of the development 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 development, including the installation of hardstanding. The appellant stated at the hearing that permission was being sought for a single pitch with one static caravan on the land. This level of development is able to be considered within the scope of the deemed application and be controlled though planning conditions.

Main issue

29. With reference to Policy E of the PPTS the material change of use of the plots 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.
30. 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.
31. 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.
32. The carrying out of intentional unauthorised development is an additional relevant matter.
33. 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.

34. The change resulting from the development will be assessed against the previous lawful use and actual character as a leisure plot. The 'fallback', the development that could occur without permission, is very much constrained by two previous enforcement notices in respect of the stationing of a caravan and the laying of hardstanding. The fallback has very little weight.
35. 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. It is a qualified right that requires a balance between the rights of the individual and the needs of the wider community. In applying Article 8 there is a positive obligation to facilitate the Gypsy way of life to the extent that the vulnerable position of Gypsies as a minority group means that some special consideration should be given to their needs and different lifestyle in the regulatory planning framework and in reaching decisions on particular cases. Under the Equality Act 2010 I will have due regard to the public sector equality duty (PSED).

Planning policy

36. 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).
37. 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 CP1 Achieving sustainable development objectives, Policy GB7A Conspicuous development, 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.
38. 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).
39. The most important policies identified above are generally consistent with the Framework and have full weight.
40. 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.

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

Reasons

Green Belt

41. 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 near the rear boundary.
42. The material change to a residential use has led to varying numbers of caravans, vehicle parking and increased activity. A loss of openness has occurred in both spatial and visual respects. The appellant's proposal to restrict the occupation to a single static caravan would assist in limiting the harmful effect on this Green Belt characteristic.
43. 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.
44. Having regard to policy on protecting Green Belt land in the Framework and Policy H10A, the harm to the Green Belt by reason of inappropriateness and a loss of openness has substantial weight.

Character and appearance

45. 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.
46. 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.
47. 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. New chalets granted planning permission are larger and of a more residential appearance than the traditional chalets.
48. 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. The Parish Council and many of the local community regard the recent land use change as detrimental, where the increased daily activity, the increase in the volume and speed of traffic, the visual impact, the loss of vegetation and light pollution all have a harmful impact of the character of the

village and its rural countryside setting. The Council considers the estate has become a highly developed urban form of development.

49. The photographic evidence indicates that the loss of vegetation and green space to hard surfacing has been an important change in the appearance of the plot, out of keeping with the traditional appearance of leisure plots and the countryside surroundings. The residential use, with the probable increase and varied patterns of activity would contribute to a change in the character of the use and conflict with Policy RST10A. The development is small scale but is currently seen in combination with similar changes on adjacent plots.
50. The Chalet Estate is within a rural landscape characterised by gently undulating arable fields within the valley of the River Stort¹¹. 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 area.
51. The development of Plot 32 has not encroached into the countryside and has not disturbed field patterns or other key landscape characteristics. Adverse change to the wider landscape character would be minimal and at the hearing the Council accepted that any harm would be localised. The static caravan, in its current position, features in short distance views from the nearby footpath, although there would be the opportunity to introduce planting along the rear boundary. However, I do not consider the site to be unduly noticeable or conspicuous in local views from the footpath network. Compliance is achieved with Policy GB7A.
52. These considerations lead to a conclusion that the visual harm and loss of character is very localised to the Chalet Estate. 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

53. 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 32 is in Flood Zone 3a.
54. A site-specific flood risk assessment (FRA) was not carried out to support this application. A FRA was submitted for other plots including Plots 32B and 32C, which has information relevant to this Plot. In previous flood events the plot was entirely flooded in 1947, otherwise flooding was confined to the frontage, if at all. A similar pattern is indicated by the model outputs of predicted flood depths. There is also a potential risk from groundwater and surface water (pluvial flooding).
55. 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.
56. 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

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

flooding. The Council accepts 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.

57. Potential measures to mitigate flood risk include ensuring the threshold level of the static caravan is above the flood level expected in the 1 in 100 annual probability plus 35% climate change event, anchoring the static caravan to the ground, requiring occupants to sign up to receive flood alerts and flood warnings and preparation of a flood plan. These measures would manage the risk of flooding rather than remove it.
58. The FRA found the access road through the estate would be flooded in part for all events, although to different extents. The deepest flood depths would be located at the eastern end, where flood depths are predicted to be between 0.4 metres (m) and 0.6m for a distance of around 40m. The only means of escape by vehicle from Plot 32 is westwards along the access road, which a hazard analysis showed to present a low risk. For escape by foot, installation of a pedestrian gate in the back fence to allow access to the higher land to the south may be an option.
59. 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. 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.
60. 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 appellant explained that works were done to clear out the brook and increase the height of the culvert so that conditions were improved.
61. In conclusion, the proposal is a highly vulnerable form of development. The use of the land as a caravan site would increase the danger from flood risk to the occupiers and in the event of a flood event to members of the emergency services. For these reasons Policy U2A does not support the use in this location. Based on the flood risk classification and the location of the site the Framework also indicates the use should not be permitted. Planning Practice Guidance advises 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 mitigation measures would improve safety, escape routes would present a low risk and flood risk would not be increased elsewhere. Overall, the issue of flood risk provides a significant amount of weight against the development.

Epping Forest Special Area of Conservation

62. 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.

63. 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 to inform assessment of development proposals. Emerging 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. Emerging Policy DM 22 regarding air quality includes provisions to address potential effects on biodiversity from air pollution.
64. The reasons for issuing the enforcement notice made no reference to the SAC but the Council's position changed during the appeal process. The Council now has withdrawn its SAC based 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

65. In terms of recreational pressure the appeal site is outside the zone of influence (6.2km) established through research and visitor surveys. In view of the distance of the site from the SAC there is no pathway to the designated features and no significant effects are likely.
66. The same conclusion is not able to be reached in respect of vehicle flows and associated air pollution when the development of the site is considered in combination with other plans and projects. An appropriate assessment (AA) is necessary 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.
67. 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 features are Beech forests on acid soils, Northern Atlantic wet heathland with cross leaved heath, European dry heaths and Stag beetle.
68. 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 have been identified as a key contributor to that atmospheric pollution, related to vehicle emissions including oxides of nitrogen, ammonia and

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).

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'.

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.

69. 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.
70. The appellant has not demonstrated through the use of objective and robust evidence within a transport statement or assessment that the proposed development would not give rise to a net increase in average annual daily traffic within the district. Planning permission is required for the use. The little information that there is on the previous leisure use indicates a less intensive use than the proposed use. Moreover, an aim is to restore the condition of the SAC, not to stop the condition deteriorating further.
71. The proposed use of the small site alone probably would not affect the integrity of the European site, but it would contribute to a cumulative adverse impact together with the other plans and projects.
72. 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 is the same as the sum sought through the Strategy for a single dwelling, on the basis that one static caravan would act as the main living accommodation. The Council has confirmed in writing that the payment will only be used to implement the approved Strategy.
73. I conclude that the development is coming forward in accordance with the Strategy, with appropriate and proportionate mitigation. There is compliance with an aim of Policy NC1 and emerging Policies DM 2 and DM 22.

Effect on the settled community and village environment

74. 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.
75. 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 32¹⁴. 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, effects on

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.

- Roydon Conservation Area and Lee Valley Regional Park), inadequate access and high concentration of the District's traveller sites in Roydon and Nazeing.
76. The main issues considered above address some areas of objection. In terms of precedent, all the appeals considered at the hearing indicate that there is pressure and a personal need for similar development on a number of plots over the Chalet Estate. By reason of the Green Belt location planning policy strictly controls 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.
77. The appellant is attempting to regularise the planning position through the statutory process available. There is no specific evidence to show either the appellant or the occupiers of the plot have not respected the settled community or that they have been involved in or responsible for anti-social behaviour. Support for the travellers and the Moran family in particular was expressed at the hearing by two residents of dwellings on the estate.
78. 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 property access points at the southern end of the lane and concluded highway safety would be not compromised. The Council raised no objections regarding accessibility and highway safety.
79. 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 32 would not impact significantly 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.
80. 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.
81. In conclusion the single pitch at Plot 32 respects the scale of the nearest settled community and would not be harmful to the character of the village. The contribution to the effects of cumulative change would be very small.

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

¹⁶ Roydon Conservation Area Character Appraisal September 2006 paragraph 3.2

Intentional Unauthorised Development

82. The Government policy on intentional unauthorised development was confirmed by a Written Ministerial Statement in December 2015 and remained in place after the publication of the Framework. The policy was in response to concern about the harm caused, particularly in the Green Belt, where development is undertaken in advance of obtaining planning permission. In such circumstances there is no opportunity to appropriately limit or mitigate harm that may be caused and a planning authority may have to undertake expensive and time-consuming enforcement action.
83. As a matter of fact, the development occurred without the benefit of a planning permission. Harm has been caused to the Green Belt. The opportunity to limit harm was lost. The initial failure to follow due process probably contributed to the unease of the local community. The appellant or family members were advised in writing in December 2016 by the Council that planning permission would be required if caravans were stationed for permanent residential use, although at the hearing it appeared that recipients of Council advice had gained a different understanding of what was permissible. The appellant stated he was not aware of the previous enforcement notice against the hardstanding and that hardstanding was present when they bought the land. I also acknowledge that this is one of several plots on the estate owned by the Moran family to accommodate the extended family in the absence of alternative sites. Unauthorised roadside camping may have been avoided. A planning application was made in response to the issue of an enforcement notice in September 2018.
84. In conclusion the probability is that intentional unauthorised development occurred, a consideration which has a small amount of weight.

Need for traveller sites and meeting need

85. 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.
86. 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 does not have a 5 year supply of deliverable sites at the current time, which 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.
87. 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.

88. 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.
89. 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.
90. 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.
91. 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.
92. 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.
93. 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

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.

¹⁸ Hearing Document 4

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

94. 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 appellant has 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.
95. 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. 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 around 2010/2011. The time taken to progress the plan towards adoption has been increased by the essential work on the SAC, during which time there was a moratorium on new residential development. The lack of site allocations is reflected to an extent in the existing level of need and the lack of available alternative sites for those travellers on unauthorised sites. The 'failure of policy' argument now has only a small degree of weight, given the Council's commitments to move forward through the EFDLP.
96. In addition to general need, the availability (or lack) of alternative accommodation for the current occupiers is a relevant consideration, as indicated by the PPTS. The Council was not able to suggest an alternative acceptable, affordable and available site(s) for the occupiers 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 finding a suitable alternative pitch would be very 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, the wider shortfall in traveller site provision and the particular needs of the current occupiers.
97. 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

98. The plot is now occupied by Mr Moran Senior and his wife. They have serious health problems and rely on their sons to look after them. They have spent much of their lives in England, mainly on sites in London. Before moving to the plot they were in housing with their youngest son and intended to occupy a caravan on Plot 32B and C on a weekend/summer basis. They found they were unable to adjust to living in bricks and mortar and their youngest son was spending more time with his brothers in Roydon. They continue to travel with their family because of the need for daily care.

99. The occupiers are vulnerable and have a strong need for a stable base near to close family to ensure daily care and support. No available alternative pitch has been identified to meet their personal needs for a site. A roadside existence would be detrimental to their well-being. The potential environmental cost of unauthorised camping is also a factor that supports their continued occupation of the plot. The personal circumstances provide significant weight in support of the development.

Planning Balance

100. There are two main policy objections. The harm to the Green Belt by reason of inappropriateness and a small loss of openness has substantial weight. The issue of flood risk provides a significant amount of weight against the development, bearing in mind no FRA has been provided and the vulnerability of the occupiers. The very limited harm to the appearance of the Chalet Estate has a small degree of weight, as does the matter of intentional unauthorised development. The effect on the wider landscape character of the area and the SAC are neutral in the balance. Considerations raised in relation to the village environment and the settled local community have little negative weight.
101. In support of the development, the outstanding level of need in the District and more widely and the absence of a 5 years' worth supply of specific deliverable sites, has substantial weight. The failure of policy argument adds very little additional weight. The personal circumstances and need for a pitch have significant weight.
102. 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. Even allowing for the compliance with Policies NC1, CP2, and GB7A the material change of use is not in accordance with the development plan when read as a whole. The conflicts with national policy on Green Belt and flood risk provide a strong reason for following the direction of the development plan. The development is not acceptable on a permanent basis.

Temporary planning permission

103. 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.
104. 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 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. Within that period the position on the site allocations and their ability to meet outstanding need in the District should be a lot clearer.

105. 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 for a relatively short period. The level of flood risk would be the same but again would be for a specified period. A similar position applies to the other identified harms.
106. PPTS at paragraph 27 states the absence of an up-to-date five year supply of deliverable sites should have significant weight, except where the proposal is on Green Belt land. In this case, whilst the PPTS status of the occupiers is questionable, they depend on and form a family group with their sons and their families. That being so the pressing need in Epping District for sites, the extent of the Green Belt, the local plan process, the location of proposed allocations and uncertainty about future site delivery are very relevant considerations. There are good reasons for attaching positive weight to the considerations of need and supply of traveller sites. In addition, the serious consequences and the probable hardship if the occupiers lost their home has substantial weight all matters considered. In this respect there is a link with the outcomes on Plot 1B and Plot 32B/C.
107. The totality of the identified harm is clearly outweighed by other considerations. A grant of a temporary permission is proportionate, given the positive obligation to facilitate the gypsy way of life and having due regard to the PSED. I am satisfied that to grant permission would not result in a harmful cumulative impact when taking account of the outcome on the other appeals. Very special circumstances exist and the development complies with Policy H10A and Policy GB2A and is in accordance with the development plan when read as a whole. Given the demonstration of very special circumstances the balance of other considerations now supports the direction of the development plan.

Planning Conditions

108. I have considered what planning conditions would be appropriate in light of the discussion at the hearing and Planning Practice Guidance. Conditions should satisfy the following six tests: necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects.
109. The development is acceptable for a temporary period and so a time limit must be imposed, together with requirements for the use to cease at the end of the stated period and restoration of the land to an agreed scheme. The personal circumstances of the occupiers are of particular importance in the balance in favour of a permission and so a personal condition is appropriate rather than a requirement that the caravan site shall only be occupied by gypsies and travellers with PPTS status.
110. The approved land use is a caravan site and so it is necessary to control the number and type of caravans and to specify a single pitch to preclude sub-

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

division. Such restrictions are to safeguard the appearance of the plot and the Chalet Estate and to preclude increased intensity of use.

111. Notwithstanding the use being for a time limited period, submission and approval of a site development scheme is necessary to safeguard amenity and to maintain the appearance of the plot and estate. The details should include a site layout plan, site drainage, external lighting and planting. The scheme and details required should be proportionate to the size and location of the plot and the temporary time period. If approval of the details is not obtained in a reasonable timescale, as set out in the condition, the use must cease.
112. Conditions to prevent employment activity and restrict the parking of commercial vehicles are necessary in the interest of safeguarding the amenity of the estate.
113. Adopting a similar approach to the 2015 decision, a flood risk management scheme is required to provide details of mitigation measures to reduce risk and improve safety in a flood event.
114. The provision of an electric vehicle charging point and superfast broadband is not reasonable for a temporary planning permission. The Council accepted this position.

Conclusion

115. For the reasons given above I conclude that the appeal should succeed on ground (a) and I will grant planning permission in accordance with the application deemed to have been made under section 177(5) of the 1990 Act as amended, which will now relate to the corrected allegation. The appeal on grounds (f) and (g) does not therefore need to be considered. The corrections to the wording of the requirements follow on from the corrected description of the allegation.

DECISION

116. It is directed that the enforcement notice be corrected by:
 - the deletion of the wording below the heading to paragraph 3 and the substitution of the wording "Without planning permission, the material change in the use of the Land from use as a recreational leisure plot to use as a residential caravan site and carrying out of associated development, including the installation of hardstanding."
 - the deletion of steps (i) to (iv) in paragraph 5 and the substitution of the wording:
 - i. Cease the use of the Land as a residential caravan site.
 - ii. Remove from the Land all caravans, domestic paraphernalia and development associated with the caravan site use, including the hardstanding.
 - iii. Remove from the Land all debris resulting from compliance with steps (i) and (ii) above.
117. Subject to these corrections the appeal is allowed and the enforcement notice is quashed. Planning permission is granted on the application deemed

to have been made under section 177(5) of the 1990 Act as amended, for the development already carried out, namely the material change of use to use as a residential caravan site and the carrying out of associated development including the installation of hardstanding on the land at Plot 32 Roydon Lodge Chalet Estate, Roydon CM19 5EF, as shown edged black on the plan attached to the enforcement notice, subject to the following conditions:

- 1) The use hereby permitted shall be carried on only by Mr Michael Moran Senior and Bridget Moran, and their resident dependant(s), and shall be for a limited period being the period of four years from the date of this decision, or the period during which the land is occupied by them, whichever is the shorter.
- 2) When the premises cease to be occupied those named in condition 1 above, or at the end four years, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use, shall be removed and the land restored to its condition before the development took place.
- 3) There shall be no more than one pitch on the site and no more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than one shall be a static caravan) shall be stationed on the site at any time.
- 4) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 60 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision a site development scheme (hereafter referred to as the scheme) and a timetable for its implementation shall have been submitted for the written approval of the local planning authority. The scheme shall include details of the siting of caravans; the means of foul and surface water drainage; external lighting; hard surfacing; soft landscaping along the rear boundary including details of species, plant sizes and proposed numbers and densities; means of enclosure; provision for storage of waste and recyclables; and the works to restore the site to its former condition at the end of the period for which planning permission is granted for the use, or the site is occupied by those permitted to do so, whichever is the sooner.
 - ii) If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

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

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

- 5) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.
- 6) No employment activities, including the storage of materials, shall take place on the land.
- 7) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 60 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision a scheme for flood risk management shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - ii) If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

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

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

Diane Lewis

Inspector

APPEARANCES

FOR THE APPELLANT:

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An Appellant

FOR THE LOCAL PLANNING AUTHORITY:

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MCMJ
Mark Beard of Counsel

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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

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.