



Appeal Decisions

Hearing held on 27 March 2025

Site visit made on 27 March 2025

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2025

Appeal A Ref: APP/X0415/C/23/3334129

Appeal B Ref: APP/X0415/C/23/3334130

Appeal C Ref: APP/X0415/C/23/3334131

Appeal D Ref: APP/X0415/C/23/3334132

Land to the north of Copperkins Lane (known as Green Park), Amersham, Buckinghamshire, HP6 5SS

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended). Appeal A is made by Mr D Barrett of Wyldecrest Parks Limited and Buckinghamshire Pk Homes Limited; Appeal B is made by Mr J Barrett of Wyldecrest Parks Limited and Buckinghamshire Pk Homes Limited; Appeal C is made by Mr R Barrett of Wyldecrest Parks Limited and Buckinghamshire Pk Homes Limited, and Appeal D is made by Mr J McDonagh of Wyldecrest Parks Limited and Buckinghamshire Pk Homes Limited against an enforcement notice issued by Buckinghamshire Council.
 - The notice was issued on 12 October 2023.
 - The breach of planning control as alleged in the notice is without planning permission, a material change of use of the Land to a caravan site for residential purposes by virtue of the stationing caravans and the laying of hardstanding to facilitate the use.
 - The requirements of the notice are to 1) save for the area marked hatched on the attached plan, cease the use of the Land for the stationing of caravans, 2) save for the area marked hatched on the attached plan, remove all caravans (including mobile homes), any associated bases, skirts or screens and other domestic paraphernalia from the Land, 3) rip up and remove the hardstanding (shown in the approximate position marked stippled on the attached plan) from the Land, and 4) remove all materials and debris resulting from complying with steps 1-3 of this notice from the Land.
 - The period for compliance with the requirement is 12 months.
 - Appeal A is proceeding on the grounds set out in section 174(2) (a), (b), (c), (e), (f), (g) of the Town and Country Planning Act 1990 (as amended) (the Act) and Appeals B, C and D are proceeding on the grounds set out in section 174(2) (b), (c), (e), (f) and (g) of the Act. 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.
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Appeal E Ref: APP/X0415/C/23/3334050

Appeal F Ref: APP/X0415/C/23/3334051

Appeal G Ref: APP/X0415/C/23/3334052

Appeal H Ref: APP/X0415/C/23/3334053

Land to the north of Copperkins Lane (known as Green Park), Amersham, Buckinghamshire, HP6 5SS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). Appeal E is made by Mr D Barrett of Wyldecrest Parks Limited and Buckinghamshire Pk Homes Limited; Appeal F is made by Mr J Barrett of Wyldecrest Parks Limited and Buckinghamshire Pk Homes Limited; Appeal G is made by Mr R

Barrett of Wyldecrest Parks Limited and Buckinghamshire Pk Homes Limited, and Appeal H is made by Mr J McDonagh of Wyldecrest Parks Limited and Buckinghamshire Pk Homes Limited against an enforcement notice issued by Buckinghamshire Council.

- The notice was issued on 12 October 2023.
- The breach of planning control as alleged in the notice is without planning permission, the laying of hardstanding.
- The requirements of the notice are to 1) rip up and remove the hardstanding (shown in the approximate location shown cross-hatched on the attached plan), 2) seed the Land with grass seed (in the approximate location shown cross hatched on the attached plan), and 3) remove all materials and debris resulting from complying with step 1 of this notice from the Land.
- The period for compliance with the requirements is four months.
- Appeal E is proceeding on the grounds set out in section 174(2) (a), (b), (c), (e) and (f) of the Town and Country Planning Act 1990 (as amended) (the Act) and Appeals F, G and H are proceeding on the grounds set out in section 174(2) (b), (c), (e) and (f) of the Act. 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.

Decisions

Appeal A Ref: APP/X0415/C/23/3334129

1. It is directed that the enforcement notice is corrected and varied by (1) the deletion of the words *"Without planning permission, a material change of use of the Land to a caravan site for residential purposes by virtue of the stationing of caravans and the laying of hardstanding to facilitate the use"* in section 3, and their substitution with the words *"Without planning permission, a material change of use of the Land through intensification to a caravan site for residential purposes by virtue of the stationing of residential caravans and the laying of hardstanding to facilitate the use"*; and (2) the deletion of the words *"Within twelve months of this Notice taking effect"* in section 6, and their substitution with the words *"Within eighteen months of this Notice taking effect"*. Subject to the correction and variation, the appeal is dismissed, 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.

Appeal B Ref: APP/X0415/C/23/3334130

2. It is directed that the enforcement notice is corrected and varied by (1) the deletion of the words *"Without planning permission, a material change of use of the Land to a caravan site for residential purposes by virtue of the stationing of caravans and the laying of hardstanding to facilitate the use"* in section 3, and their substitution with the words *"Without planning permission, a material change of use of the Land through intensification to a caravan site for residential purposes by virtue of the stationing of residential caravans and the laying of hardstanding to facilitate the use"*; and (2) the deletion of the words *"Within twelve months of this Notice taking effect"* in section 6, and their substitution with the words *"Within eighteen months of this Notice taking effect"*. Subject to the correction and variation, the appeal is dismissed, and the enforcement notice is upheld.

Appeal C Ref: APP/X0415/C/23/3334131

3. It is directed that the enforcement notice is corrected and varied by (1) the deletion of the words "*Without planning permission, a material change of use of the Land to a caravan site for residential purposes by virtue of the stationing caravans and the laying of hardstanding to facilitate the use*" in section 3, and their substitution with the words "*Without planning permission, a material change of use of the Land through intensification to a caravan site for residential purposes by virtue of the stationing of residential caravans and the laying of hardstanding to facilitate the use*"; and (2) the deletion of the words "*Within twelve months of this Notice taking effect*" in section 6, and their substitution with the words "*Within eighteen months of this Notice taking effect*". Subject to the correction and variation, the appeal is dismissed, and the enforcement notice is upheld.

Appeal D Ref: APP/X0415/C/23/3334132

4. It is directed that the enforcement notice is corrected and varied by (1) the deletion of the words "*Without planning permission, a material change of use of the Land to a caravan site for residential purposes by virtue of the stationing caravans and the laying of hardstanding to facilitate the use*" in section 3, and their substitution with the words "*Without planning permission, a material change of use of the Land through intensification to a caravan site for residential purposes by virtue of the stationing of residential caravans and the laying of hardstanding to facilitate the use*"; and (2) the deletion of the words "*Within twelve months of this Notice taking effect*" in section 6, and their substitution with the words "*Within eighteen months of this Notice taking effect*". Subject to the correction and variation, the appeal is dismissed, and the enforcement notice is upheld.

Appeal E Ref: APP/X0415/C/23/3334050

5. The appeal is dismissed, 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.

Appeal F Ref: APP/X0415/C/23/3334051

6. The appeal is dismissed, and the enforcement notice is upheld.

Appeal G Ref: APP/X0415/C/23/3334052

7. The appeal is dismissed, and the enforcement notice is upheld.

Appeal H Ref: APP/X0415/C/23/3334053

8. The appeal is dismissed, and the enforcement notice is upheld.

Preliminary Matters

9. The land to which the operational development notice relates (i.e. that concerning appeals E, F, G and H) is the subject of a High Court injunction order dated 28 October 2021. This forbids the appellants from using the land as a residential caravan site, from bringing onto the land any vehicles,

equipment, plant, or machinery and from carrying out or permitting to be carried out, any works on the land including but limited to excavation or digging, the laying down of hardstanding and the installation of septic tanks or any other utility or infrastructure. This injunction is a separate legal matter between the appellants and the Council. It is not relevant to the determination of any of the enforcement notice appeals which I consider based on the various grounds of appeal pleaded under section 174(2) of the Act.

10. The National Planning Policy Framework was revised in December 2024 (the 2024 Framework) and was subsequently amended on 7 February 2025 to correct cross-references from footnotes 7 and 8 and amend the end of the first sentence of paragraph 155 to make its intent clear. For the avoidance of doubt, the amendment to paragraph 155 does not constitute a change to the policy set out in the 2024 Framework. The 2024 Framework replaces the previous version of the National Planning Policy Framework published in December 2023.
11. Moreover, the Government's Planning Policy for Traveller Sites was also revised in December 2024 (2024 PPTS) and this replaces Planning Policy for Travellers Sites dated August 2015 (amended December 2023). I afforded the main parties the opportunity to comment on the implications of the revised 2024 PPTS and the 2024 Framework and have considered their written comments as part of the determination of this appeal. Additional comments were also made at the hearing and such comments have been taken into account as part of the consideration of the ground (a) appeals.

Planning History and The Material Change of Use Notice (Appeals A, B, C and D)

Planning History

12. The evidence is that planning permission was approved on part of the land to which the material change of use notice relates on 27 August 1992 (1992 Permission)¹. This planning permission was for the '*improvement and amendment to existing layout to provide eight pitches and erection of eight amenity units, wardens office and closure of existing and construction of new vehicular access*'. I have been provided with copies of the decision notice, approved drawings, and the planning committee report for the 1992 Permission. The approved layout drawing shows eight pitches and with a bund or mound on the outer edges of the site. The location plan also refers to 'mound'.
13. Condition No. 01 of the 1992 Permission states '*the permission shall relate to the use of the land for a gypsy caravan site only and not to a caravan or mobile home site, or for any other purpose*'. The approved development on the site relates to a sui-generis use. The notice does not allege a breach of condition No. 01 of the 1992 Permission. However, the evidence indicates that the land is not being used as a '*gypsy caravan site only*'. Indeed, the appellants do not dispute that a significant number of the residential caravans are being occupied by people who are not, by definition, Travellers. This information has been submitted in table format by the appellants as well as in

¹ Planning permission 92/0935/CH

respect of drawing No. SR-G&T-01-2024 which was confirmed by the appellants' agent at the hearing as essentially reflecting what was on the ground when the notice was issued.

14. A certificate of lawful development (LDC), under section 191 of the Act, confirmed on 14 April 2016 the lawful *'use of the land as a Gypsy and Traveller site (use class Sui-Generis) containing eight pitches and for the stationing of caravans for residential purposes and associated hard standings'*². There is a plan appended to the LDC which shows pitches on the land. While it appears to show six pitches, the first schedule of the LDC is quite specific in so far that it refers clearly to eight pitches. In the officer report that led to the LDC being issued, it states *'having regard to the planning history and information relating to the development it is considered that the eight pitches as currently in situ are lawful, because the planning permission which was previously granted under application CH/19920935/RB (CC/70/92) remains extant, and this permission has been implemented'*.

The Notice and the allegation

15. The evidence is that the breach of planning control relates to land which falls within the application boundaries of the 1992 Permission and the LDC. Following discussion, the main parties agreed at the hearing that a material change of use of the land had occurred through intensification, i.e., the provision of additional residential caravans (and associated pitches) over and above that approved as part of the 1992 Permission and confirmed as being lawfully implemented in respect of the LDC.
16. The main parties also agreed at the hearing that the notice should have alleged a material change of use through intensification. However, the main parties agreed at the hearing that a correction to the allegation would not lead to injustice being caused to them. I have considered the evidence which supports the various grounds of appeal and do not find that this correction would lead to injustice being caused to the main parties. I shall therefore correct the allegation so that it reads *'without planning permission, a material change of use of the Land through intensification to a caravan site for residential purposes and the laying of hardstanding to facilitate the use'*.
17. When read as a whole, the 1992 Permission (i.e., the plans and the description of development) and the LDC refer explicitly to eight pitches. The main parties confirmed as part of the appeal that the number of pitches on the appeal land when the notice was issued was about twenty-four (i.e., an additional 16 pitches (rounded up) if two static caravans together comprise one pitch). It was agreed that there was a total of thirty-nine caravans on the land when the notice was issued. It is not certain from the evidence how many caravans could be accommodated on the pitches shown on the 1992 Permission plan (i.e., drawing No. 1231 3 WD 1). However, it would not be possible to provide the same number of caravans that were on the land when the notice was issued on the pitches shown in respect of the 1992 Permission plan.
18. The main parties do not dispute that prior to the notice being issued, there had been a significant increase in the number of residential caravans on the land

² Lawful development certificate CH/2015/1702/EU

and that this had essentially taken place because of the removal of an extensive earth bund. The number of additional caravans on the site now is significant in relative terms. At the hearing, the appellant did not dispute that a material change of use of the land had taken place through intensification. Moreover, the appellant commented that the allegation would need to be changed and, in doing so, no injustice would be caused.

19. I do not disagree with the comments made by the Council at the hearing that, owing to the increase in the number of caravans on the land relative to the lawful position on the site (i.e., as per the description of development, approved plans and as confirmed by the LDC), there has been a significant increase in the number of vehicular and pedestrian comings and goings from residents and visitors to, from and within the site. Moreover, there has been a change in the way that the appeal land is now visually appreciated in so far that owing to the removal of an earth bund there are now more caravans, vehicles and domestic paraphernalia spread across the land as a whole. In addition, I find that there has been an increase in the scale of activities on the land. Overall, and, as a matter of fact and degree, I find that there has been a significant change in the character of the use on the land through intensification and hence a material change of use of the land has occurred.
20. The 1992 Permission and the LDC provide a baseline in terms of lawful development on the appeal site. They are material considerations of significant weight in terms of the consideration of the ground (a) appeal and the deemed planning application. In this case, planning permission is needed as a material change of use of the land has occurred through intensification, facilitated by the formation of an ancillary hardstanding. Neither the 1992 Permission nor the LDC permit the unauthorised material change of use of the land.

Appeals on ground (e)

21. An appeal made on ground (e) is that copies of the notice were not properly served on everyone with an interest in the land as required by section 172 of the Act. Section 172(2) of the Act provides that a copy of an enforcement notice shall be served on the owner and occupier of the land to which it relates, and any other person having an interest in the land, including mortgagees, tenants, and sub-tenants, being an interest which, in the opinion of the local planning authority, is materially affected.
22. The appellants claim that the notice was not served properly because it includes elements that did not need to be included, '*such as the attack on operational development*'. This is a ground (f) appeal matter which I deal with later in this decision and is not a relevant matter to be considered under the ground (e) appeals.
23. The appellants also claim that the separate operational development notice (i.e., that on adjacent land) was not served on site residents or the site office and so the residents were not given an opportunity to view both notices together. A separate notice has been issued by the Council and it does not relate to the same land that is the subject of this material change of use notice. I explain below, under my assessment of the ground (e) appeals for the operational development notice, that it was not necessary for the Council to

- serve copies of the operational development notice on individual residents. That is because such residents were not living on the hardstanding land.
24. The appeals on ground (e) relate to the separate material change of use notice. The evidence is that the Council served copies of the notice on named owners and the company secretary/clerk. Moreover, the evidence is that hard copies of the notice were hand delivered to the owners of the caravans/statics and a hard copy of the notice was hand delivered on site addressed to the owner(s) of the land³. The Council has provided me with photographs of copies of the notices attached to the subject caravans. Where it was not possible to attach a copy of the notice to the outside of a caravan, I have no reason to doubt the Council's claim that a copy was placed at the entrance to such a caravan.
25. The appellants have no evidence to dispute that all of the above happened and, moreover, it is noteworthy that the Council also tried to obtain information about occupiers of the caravans in terms of posting welfare survey letters. However, the Council did not receive responses from any residents in terms of the posted welfare survey letters.
26. On the evidence that is before me, I find that a copy of the notice was properly served on the owners/occupiers of the land. This included those that were residing on the land. In addition, I have no reason to doubt that a copy of the notice was posted at the entrance to the site.
27. At the hearing, the appellants' agent commented that he had been told that the residents had only received a copy of one notice but not two. I find that it is likely that the residents did receive a copy of the notice related to appeals A, B, C and D as unlike the operational development notice this notice relates to land which is occupied by residents. The appellants' agent did not dispute the likelihood that residents had in fact been likely to have received a copy of the material change of use notice when it was raised by me at the hearing.
28. On the evidence that is before me, I am satisfied that the Council served copies of the notice in accordance with the requirements of section 329 of the Act. I conclude that copies of the notice were properly served on everyone with an interest in the land as required by section 172 of the Act. Therefore, the appeals on ground (e) fail.

Appeals on ground (b)

29. An appeal made on ground (b) is that the matters comprising the alleged breach of planning control have not occurred.
30. The appellant's claim under ground (b) is that a breach of planning control has not occurred because the whole of the land covered by both the cross hatched area coupled with most of the land shown as marked as stippled on the plan attached to the notice was confirmed as being a lawful residential caravan site by virtue of the issued lawful development certificate (LDC) reference No. CH/2015/1702/EU, dated 14 April 2016.
31. The LDC application was submitted by Carter Jonas who commented in their covering letter that the application seeks *'to clarify the lawfulness of the*

³ As detailed in the certificate of service dated 12 October 2023

existing use of the site as a Gypsy and Traveller caravan site, accommodating 8 pitches on the site, with associated amenity area and hardstanding and access from Copperkins Lane’. The LDC confirmed that on 14 April 2016, the land falling within the thick black line attached to the LDC could lawfully be used for *‘the stationing of caravans/mobile homes (as defined in the Caravan Sites and Control of Development Act 1960, as amended) for residential purposes on 8 pitches*’.

32. The appellants assert that the LDC should not have referred to 8 pitches as that is tantamount to the imposition of a planning condition which is not possible for an LDC.
33. The LDC was submitted to seek legal confirmation that it was lawful to station caravans and mobile homes for residential purposes on eight pitches. The evidence at that time was that there were only eight lawful Gypsy and Traveller pitches on the land. The plan appended to the LDC appears to show less than eight pitches, but it is necessary that the LDC is read as a whole. I find that the inclusion of *‘8 pitches*’ within the LDC provided both precision and a necessary baseline position in terms of what was deemed to be lawful on 14 April 2016.
34. It is not the case that the Council imposed a planning condition in respect of the 2016 LDC. It is also noteworthy that the 1992 Planning Permission was for *‘the improvement and amendment to existing layout to provide eight pitches...’*. The approved layout shows the position of pitches, and such a layout does not equate to the number of pitches and caravans that were on the site when the notice was issued.
35. As detailed earlier on in this decision, land that was previously an earth bund shown in the 1992 Permission has been used for the purposes of siting additional residential caravans. This has resulted in a change in the character of the use of the land. For the reasons outlined earlier in this decision, and, as a matter of fact and degree, I find that a material change of use of the land has occurred through intensification.
36. I therefore conclude that the breach of planning control has occurred and hence the ground (b) appeal fails.

Appeals on ground (c)

37. An appeal made on ground (c) is that the matters alleged do not constitute a breach of planning control. The onus is on the appellants to make a case on the legal grounds of appeal.
38. The appellants claim that a breach of planning control has not occurred as most of the land which is the subject of the material change of use notice can lawfully be used as a Gypsy and Traveller residential caravan site. I have already addressed this matter as part of the consideration of the ground (b) appeals above. A material change of use of the land has occurred through intensification and hence an act of development has occurred by virtue of section 55 of the Act. In this case therefore, and, for the reasons outlined above, I find, as a matter of fact and degree, that the material change of use of the land constitutes a breach of planning control.

39. The appellants also claim that the hardstanding has been in place for more than four years and is therefore lawful. This is a ground (d) appeal claim and no appeals have been lodged under ground (d). In this regard, there is no objective or compelling evidence before me to make a claim that the hardstanding is immune from enforcement action.
40. The evidence is that a new area of hardstanding was formed within the approximate area marked 'stippled' on the plan attached to the notice. Even if sufficient objective evidence, on the balance of probability, had been provided by the appellants to demonstrate that the hardstanding was immune from enforcement action owing to the passage of time, the Courts have held that ancillary or secondary works which facilitated the material change of use of the land can be required to be removed even if they have been in situ for more than four years.
41. In this case, the appellants' evidence does not offer sufficient precision or clarity to lead me to reach a different view to that of the Council that the identified hardstanding was formed as being ancillary to the unauthorised material change of use of the land. It was not in itself fundamental or causative of that change of use. It was the removal of the bund which meant that the land was flatter and hence that it could be used for the siting of additional residential caravans and associated domestic paraphernalia.
42. I find that the evidence supports the Council's claim that the bund was removed with the specific aim of facilitating the material change of use of the land for the stationing of additional residential caravans and/or the creation of additional pitches on the land. While the evidence indicates that the unauthorised hardstanding was formed in connection with the material change of use of the land, it is nevertheless ancillary to that material change of use.
43. As a matter of fact and degree, I therefore find that the formation of the hardstanding was not fundamental to the material change of use of the land, but rather it was a secondary or ancillary element to it. In this context, it is appropriate that the material change of use also attacks the hardstanding.
44. For the above reasons, I conclude that the ground (c) appeals fail.

Appeal on ground (a) and the deemed planning application

Main Issues

45. The appeal is made on ground (a) which is that planning permission ought to be granted in respect of the breach of planning control alleged in the notice.
46. At the hearing, I sought clarification from the main parties in terms of what specifically I was being asked to consider regarding the deemed planning application. While the 1992 Permission and LDC for eight pitches seeks to impose a baseline in terms of pitch numbers (as outlined earlier in this decision), the undisputed evidence from the appellants is that while most of the unauthorised pitches are occupied by Travellers, in accordance with the definition in the 2024 PPTS, a large number are being occupied by members of the settled community. This information has indeed been conveyed by the appellants' agent in his table of information dated November 2024.

47. In respect of the land where the bund was originally positioned, the appellants' own drawing No. SR-G&T-01-24 (it was agreed at the hearing that this was reflective of the position on the land when the notice was issued) includes only a small number of caravans occupied by Travellers (as per the definition in the 2024 PPTS) and a significant number of caravans occupied by non-Travellers (i.e., members of the settled community). It was therefore agreed at the hearing that I was being asked to consider a site where a material change of use of the land had occurred through intensification, and which related to both park home accommodation and Traveller accommodation. This is relevant in terms of how I apply planning policy in respect of some of the main issues below.
48. I have considered the reasons for issuing the enforcement notice and the main issues are: -
- whether the development is inappropriate development in the Green Belt,
 - the effect of the development on the integrity of the Chiltern Beechwoods Special Area of Conservation (SAC),
 - the effect of the development on the character and appearance of the area including the Chilterns Area of Outstanding Natural Beauty,
 - the effect of the development on the risk of flooding,
 - the effect of the development on biodiversity, and
 - whether any harm by reason of inappropriateness in the Green Belt, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development in the Green Belt and assessment against openness and purposes

49. The Government's 2024 PPTS states, at paragraph 16, that Traveller sites (temporary or permanent) in the Green Belt are inappropriate development unless the exceptions set out in chapter 13 of the 2024 Framework apply. It goes on to say that the Golden Rules, set out in chapter 13 of the 2024 Framework, do not apply to Traveller sites.
50. I have considered whether paragraph 155 of the 2024 Framework is relevant in this case in so far that the breach of planning control might constitute the development of homes on 'grey belt' land. Annex 2 of the 2024 Framework defines grey belt land as comprising previously developed and/or any other land that, in either case, '*does not strongly contribute to any of purposes (a), (b) or (d) in paragraph 143*'. It also states that grey belt excludes land where the application of policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development. Annex 2 of the 2024 Framework defines what is previously developed land. It states that it includes the curtilage of developed land

although it should not be assumed that the whole of the curtilage should be developed.

51. I have considered the assessment of parcel 18b, of which the appeal site forms a part, in the Buckinghamshire Green Belt Assessment dated 7 March 2016 and prepared by Arup (Arup Green Belt Assessment). I find that this assessment (including the accompanying site proforma commentary) is a useful starting point for the purposes of considering how this part of the Green Belt contributes to Green Belt purposes (a), (b) and (d) of paragraph 143 of the 2024 Framework. However, it is important that I emphasise that it is necessary to consider how the appeal land contributes to the identified Green Belt purposes, as distinct from parcel 18b as a whole. Moreover, the Arup Green Belt Assessment must also be considered alongside recent policy guidance on this matter as contained in the Planning Practice Guidance (PPG).
52. The Green Belt Assessment concludes that parcel 18b is '*at the edge of one or more distinct large-built up areas*'. Indeed, as part of my site visit, I was able to experience that the appeal land was near the town of Amersham. I accept that the land to which the notice relates can, in part, already be lawfully used for the siting of residential caravans. However, the notice, and hence the ground (a) deemed planning application, effectively relates to an intensification of the use of the land and including the siting of caravans on land which was previously a bund.
53. The evidence is that the Traveller site now includes caravans on land which was previously free of existing development above ground level. There were no caravans, pitches or buildings on the bund prior to the unauthorised development occurring.
54. Moreover, I find that the land to which the 'extended' residential units relates is significant in size. This part of the Green Belt is otherwise sparsely developed. While the 1992 Permission does allow caravans and other associated paraphernalia to be positioned on the land, this was approved as being more contained than the breach of planning control. Moreover, I find that the consented development is essentially a visual anomaly in this part of the Green Belt where there is a prevailing absence of development and instead open and undeveloped fields.
55. Notwithstanding the above, I do not find that additional caravans on the land have been positioned so as to amount to a 'finger' of new development in the Green Belt. Instead, the additional caravans have been positioned on land falling within the boundary of the 1992 Permission. The site is relatively well contained by boundary landscaping and a security fence. In this regard, the land includes physical features which contain the unauthorised development.
56. With reference to policy guidance in the PPG, and, for the above reasons, I find that while the additional pitches/caravans have been formed on part of the site which was otherwise free from existing development, and it is near to a large built-up town, the land is nevertheless relatively contained in the landscape given the boundary fencing and the surrounding landscaping. Overall, I therefore find that the intensification of the use relates to land which makes a moderate contribution to Green Belt purpose 143(a) of the 2024 Framework,

- i.e., to check the unrestricted sprawl of large built-up areas. This was indeed the common ground position reached by the main parties at the hearing.
57. While the Arup Green Belt Assessment has not been determinative in terms of my consideration of this matter (as it focusses on land parcels rather than on land associated with planning applications), it is nonetheless noteworthy that in terms of land parcel 18b, it scored 3 plus out of five in terms of Green Belt purpose 143(a). To my mind, this does not, in any event, suggest a 'strong' contribution score for the wider parcel of land.
58. In respect of Green Belt purpose 143(b), I note that the Arup Green Belt Assessment concludes that parcel 18b is within a 'wider gap' where *'there may be scope for some development'*. While the intensified Traveller site is significant as a proportion of the eight pitches that have been approved on the land, it nonetheless takes up only a small proportion of parcel 18b. I am not aware of any other significant development being approved within parcel 18b (the Council was not able to refer to any when questioned) and, in this case, do not find that the unauthorised development has been formed on land which has resulted in a significant loss of visual separation of towns. I find that the land to which the intensified Traveller site relates contributes, at best, moderately, but not strongly, to Green Belt purposes 143(b), i.e., to prevent towns merging into one another.
59. I find that neither parcel 18b, nor the appeal land, contribute strongly to preserving the setting and special character of a historic town. Indeed, the Arup Green Belt Assessment concluded that parcel 18b, of which the appeal land forms a part, *'does not abut an identified historic settlement core'*. Following discussions at the hearing, this is not a matter in dispute by the main parties. Therefore, the appeal land does not contribute strongly to Green Belt purpose 143(d) of the 2024 Framework.
60. Overall, and, for the above reasons, I conclude that the land does not contribute strongly to any of the Green Belt purposes in paragraph 143(a), (b) and (d).
61. Notwithstanding the above, the land is not grey belt. This is because such land is excluded from the definition of Grey Belt where the application of policies relating to the areas or assets in footnote 7 (other than Green Belt) of the 2024 Framework would provide a strong reason for refusing or restricting development. Given my conclusion below on the SAC main issue, this constitutes a strong reason for refusing the breach of planning control.
62. Given the above, I therefore find that the land is not grey belt land. The Council confirmed at the hearing that the development did not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. I have no reason to disagree with that conclusion. However, that does not overcome the fact that the land is not grey belt land.
63. In respect of paragraph 155(b) of the 2024 Framework, which relates to whether there is a demonstrable unmet need for the type of development proposed, I find that this requirement has been met in full. There is no dispute that there is an unmet need for Traveller sites in the area from a five-year supply point of view (see comments later in this decision) and, moreover, the

Council confirmed at the hearing that it could not demonstrate a deliverable five year supply of non-Traveller housing sites in the area (see comments later in this decision). Whether it relates to residential caravans occupied by Travellers or non-Travellers, I find that there is a demonstrable unmet need for the type of development which is the subject of this deemed planning application.

64. Turning now to paragraph 155(c) of the 2024 Framework, which is that the development would be in a sustainable location. In this case, a significant number of the occupiers of caravans associated with the intensification of use of the land are non-Travellers. Therefore, and, in this regard, paragraphs 110 and 115 of the Framework are relevant. While the site is relatively close to the built-up area of Amersham where there are a range of facilities, amenities and services, there are no bus stops near the appeal site. Given the location of the rail service in Amersham, I do not find it likely that residents would walk. While the appellant did not agree with the Council's comment that it would take up to an hour to walk, I find that the distance would be such that walking would not be attractive or convenient for most residents. Instead, use of the private motor vehicle would be likely.
65. Moreover, Copperkins Lane is 40mph (my site visit revealed vehicles travelling at relatively high speeds), is narrow in parts, is unlit and does not include any dedicated cycle lanes. In addition, while there is some form of footpath from the site to the built-up area of Amersham, this is uneven and/or informal in parts and would not be conducive to use by those in a wheelchair or when using a pushchair. I am concerned that such users would be forced to use the road which is more level and has an even surface. This would not be safe given traffic speeds and the fact that the road is narrow. Furthermore, part of the walking route to Amersham includes highway verge as distinct from a formalised footpath and, in part, requires pedestrians to cross what is a relatively busy road. I do not find that walking this route would be safe at certain times of the day, particular at night given that there are no streetlights.
66. In my judgement, and, given that I am not simply considering a Traveller site which would have required a different assessment against paragraph 13 of the 2024 PPTS, I do not find that there are sustainable modes of transport to and from the site, or that walking to Amersham from the site would be safe or suitable for all users of the land. I find that reliance on the private motor vehicle for most journeys would be very likely in association with the breach of planning control.
67. I therefore conclude that the land is not sustainably located with reference to paragraph 115 of the 2024 Framework. I acknowledge that the land already has planning permission for use as a Traveller site. However, that does not mean that it is in a sustainable location with reference to up-to-date planning policy. Moreover, I am considering a deemed planning application that includes a mixture of Traveller and non-Traveller residents. I therefore do not find that the development meets the requirement of paragraph 155(c) of the 2024 Framework.
68. For the above reasons, I find that the breach of planning control does not meet the exception to inappropriate development in the Green Belt in paragraph 155 of the 2024 Framework.

69. I find that part of the residential site (i.e., that part which is shown in the 1992 Permission approved drawing for the siting of residential caravans) is previously developed land (PDL). It is not the case that all the curtilage of land is necessarily PDL as per the definition of PDL in the 2024 Framework. I agree with the Council's comment at the hearing that the land where most of the additional caravans have been sited was previously a bund. The bund essentially functioned as a visual screening of the approved caravans/pitches on the land. The approved caravans/pitches were shown on the 1992 Permission as being visually contained within the landscape. In this case, I do consider that the land which previously included a bund is PDL. In essence, the removal of the bund and the positioning of residential caravans in its place has not occurred on PDL.
70. Paragraph 154(g) of the 2024 Framework states that the partial or complete redevelopment of PDL (including a material change of use to residential or mixed use including residential) would not be inappropriate development in the Green Belt as long as it would not cause '*substantial harm to the openness of the Green Belt*'.
71. In this case a very significant number of additional residential caravans/mobile homes are on the land when compared to the 1992 Permission and LDC. As detailed above, I do not find that the intensification of the use has taken place on land which is fully PDL. Even if one were to disagree with this view, I nonetheless find that owing to the significantly increased number of caravans on the land, and over a wider land area, the breach of planning control has caused very substantial harm to the openness of the Green Belt in spatial terms. I acknowledge that limited harm has been caused in visual terms owing to the boundary landscaping and fencing, but, nonetheless, my judgement is that the harm to the openness of the Green Belt is, overall, substantial.
72. I have also considered the breach of planning control against paragraph 154(h)(v) of the 2024 Framework which states that material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) is not inappropriate development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
73. The caravans, additional hardstanding area, and other domestic paraphernalia which have been placed on the land, which was previously devoid of structures or chattels above ground level, has had the effect of further urbanising this part of the countryside. I therefore find that some harm has been caused in terms of countryside encroachment, and hence there is conflict with Green Belt purpose 143(c) of the 2024 Framework. Consequently, the breach of planning control has not preserved the openness of the Green Belt and conflicts with the purposes of including land in the Green Belt. Therefore, the breach of planning control does not meet the exception to inappropriate development in the Green Belt in paragraph 154(h)(v) of the 2024 Framework.
74. For the above reasons, I conclude that the breach of planning control amounts to inappropriate development in the Green Belt. This is a matter to which I afford substantial adverse weight given paragraph 153 of the 2024 Framework. In this regard, I also find conflict with policy GB2 of the adopted 1997 Chiltern Local Plan (consolidated September 2007 and November 2011 (LP), policy

CS14 of the Core Strategy for Chiltern District 2011 (CS), and paragraph 16 of the 2024 PPTS.

The effect of the development on the integrity of the SAC

75. Buckinghamshire Council has prepared a strategy to deal with the effects of significant recreational pressure on the SAC, a European protected site, and more specifically the Ashbridge Commons and Woods Site of Special Scientific Interest component. This strategy has been approved and is known as the Chiltern Beechwood Special Area of Conservation Recreational Pressure Mitigation Strategy for Ashbridge Commons and Woods Site of Special Scientific Interest (August 2024) (SAC Strategy).
76. The SAC has been designated due to the importance of its habitats including beech forests on neutral to rich soils and semi-natural dry grasslands and scrubland facies on calcareous substrates and dry grasslands and scrublands on chalk or lime. The evidence is that with increasing residential development within the surrounding area, the SAC will experience further pressure from people using the designated site for recreation. This is from trampling and vegetation wear, soil compaction and erosion, nutrient enrichment, increased risk and incidence of fire, and other impacts including harvesting and activities associated with site management.
77. A 12.6km zone of influence (ZOI) from the SAC has been applied in the SAC Strategy where likely significant effects on it from net increases in development due to recreational pressures cannot be ruled out, thereby triggering a need for an Appropriate Assessment. The evidence is that the appeal site falls within the ZOI. The SAC Strategy includes the need for the appellant to provide a financial contribution in respect of addressing the effects of residential development pressures on the SAC. The identified financial contribution would be used for initiatives within the Strategic Access Management and Monitoring Strategy (SAMMS) to directly manage and avoid impacts at its source and to better educate those visiting the Chilterns Beechwoods SAC at Ashridge Commons and Woods SSSI, as well as to monitor the effectiveness of the measures being deployed.
78. In addition to the above, the SAC Strategy states that it is necessary for residential development within the zone of influence to either provide a bespoke Suitable Alternative Natural Greenspace (SANG) or to provide a contribution towards a strategic site provided by the Council. Indeed, the SAC Strategy states that SANG projects dovetail with SAMMS in that they provide additional space for informal recreation and provide attractive alternatives for people who may otherwise choose to visit Ashridge Commons and Woods SSSI. With SAMMS, visitors will become more aware of their impacts and access to Ashridge better managed. Over time the emphasis for recreation use will shift to other sites enhanced for recreation, such as SANG.
79. The SAC Strategy states that residential proposals need to make provision for SANG and to make a financial contribution towards initiatives within the SAMMS. This level of necessary mitigation is required to be secured by planning obligation. Paragraph 5.5.4 of the SAC Strategy states that *'the tariff is applicable to gypsy and traveller pitches and travelling showpeople plots'*.

80. The evidence is that for some time the Council has been trying to make available sites to provide SANG. This has led to the stalling of many residential development proposals. Reference has been made to a planning application for a SANG (i.e., Kingsbrook, Aylesbury SANG) which is still under consideration and that the deadline for determination of November 2024 has slipped. However, the Council confirmed at the hearing that this was not relevant in this case as such a proposed SANG would be more than 5km from the appeal land and, given the Council's strategy for the area, would not suitably mitigate harm caused to the SAC from additional residential occupation on the appeal land through intensification. The Council did, however, confirm that other sites were being considered for SANG, but no date could be confirmed it terms when such land may be available so that additional residential development on the appeal land could be approved.
81. I do not know if or when a proposed SANG is likely to be approved in the area, i.e., within 5km of the site. Even if a SANG were to be approved, it is likely to be some time before any part of it is formed and then available to members of the public. What is certain is that that there is no SANG in place now.
82. Notwithstanding this position, the appellant confirmed on 28 November 2024 that the owner of land west of the Crown Plaza Hotel, Oxford Road, Beaconsfield had agreed that some of his land could be used as SANG. The appellant provided a plan showing the location of the land as part of the statement of common ground process. I do not know if this land would be suitable as a SANG or indeed what specifically would be proposed on such land. There is no detailed scheme before me and the deadline for the submission of any such detail has now passed. Had such detail been submitted, then it would have been necessary for me to seek the views of interested parties and particularly Natural England.
83. At the hearing, the appellant commented that there were opportunities to walk close to the site, including in a local forest, and hence made the claim that the net increase in the number of residential caravans on the land would not therefore result in pressure on the SAC. It cannot be guaranteed that occupiers of the land would not visit the SAC and, in any event, the SAC Strategy, which holds significant weight in decision making terms, is clear about what kind of mitigation is required within the zone of influence. This does not include a consideration of existing walking routes or recreational areas close to a planning application site. Even if this were a relevant matter for me to consider, I emphasise that the appellant has not submitted detailed or objective information about this matter which would have been needed for me to undertake an appropriate assessment and to reach a sound finding about the impact of the breach of planning control on the integrity of the SAC.
84. I wrote to the appellant on 5 December 2024 and requested that he liaise closely with the Council in respect of the potential for SANG at the site in Beaconsfield. I also made it clear that it would be necessary for a draft planning obligation to be submitted to the Planning Inspectorate no later than ten days before the opening of the hearing (addressing SAMMS and SANG requirements) and for a completed planning obligation to be submitted by no later than the start of the hearing. Neither a draft nor a completed planning

obligation was submitted to the Planning Inspectorate in accordance with the above timescales.

85. In respect of mitigation, the breach of planning control does not therefore include the necessary certainty, precision, and control for me to conclude that the residential development has not/would not have an adverse effect on the integrity of the SAC and hence can continue. In this case, the appellant has not provided me with sufficient information to provide the certainty and control needed to rule out adverse effects on the integrity of the SAC given the increase in residential units on the land. Indeed, there is no completed planning obligation before me which provides SANG, or which includes a financial payment to be used towards initiatives in the SAMMS. Furthermore, and in balancing the other considerations addressed later in this ground (a) appeal, I find that there are no imperative reasons of overriding public interest which indicate that the project should proceed.
86. As the competent authority, I therefore conclude that the development does not accord with the biodiversity requirements of paragraphs 193 and 195 of the 2024 Framework, the Conservation of Habitats and Species Regulations 2017, and policies CS4 and CS24 of the CS.
87. It is noteworthy that paragraph 195 of the 2024 Framework states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects) unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site. Moreover, paragraph 193 of the Framework states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.
88. In addition, section 63 of the Conservation of Habitats and Species Regulations 2017 states that before giving consent or permission, the competent authority must make an appropriate assessment of the implications of the plan or project. On the evidence that is before me, there are two main mitigation measures which both need to be in place before affected planning applications can be determined. It is not appropriate in this case to leave this matter to the imposition of a condition as suggested by the appellant.
89. My conclusion on this main issue is therefore a matter which weighs very heavily against granting either temporary or permanent planning permission for the breach of planning control.

Character and appearance including effect on The Chilterns AONB

90. The Council has reviewed its position in terms of this main issue. It has considered the appellant's revised statement of case and the accompanying landscape design statement that was submitted with planning application reference PL/23/3034/FA.
91. The Council is now of the view that subject to the planting of a significant number of additional trees and hedges, the unauthorised material change of use of the land, comprising an intensified residential caravan site, would not

- cause harm to the character and appearance of the area and, given such planting, to the Chilterns AONB (now referred to as National Landscapes).
92. An AONB must be treated differently from the wider countryside; it has the highest status of protection for its landscape and scenic beauty, equal to National Parks. The 2024 Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in the AONB.
93. The Chilterns is a landscape of remarkable beauty and distinctive character with a unique interaction of geological, ecological and cultural heritage features. Designation of the Chilterns as an AONB was in 1965, with an extension in 1990. It now extends over 833km² of mainly privately-owned land. The Chilterns is a home and a workplace for over 80,000 people and some 1.6 million people live within 8km of the AONB.
94. I have considered what is the significance of the Chilterns AONB. Detail is helpfully provided in the Chilterns AONB Management Plan 2019-2024. Its significance is drawn from nationally important concentrations of chalk grassland; significant ancient hedgerows, hedgerow and field trees, orchards and parkland weaving diverse flora and fauna and home to some scarce and threatened species; relative tranquillity and peace; relative dark skies and unspoilt countryside; one of the most wooded landscapes in England with 23% woodland cover concentrated in the central and southern areas; nine precious chalk streams; an extensive and diverse archaeological landscape; a dramatic chalk escarpment; extensive common land; distinctive buildings made from local brick, flint and clay tiles; an industrial heritage around wood making, furniture, chalk, quarrying, brick making and food production; and a dense network of trails.
95. I agree with the Council's changed position, in so far that the degree of intensification is such that the development is experienced as being relatively contained in scale and extent and, in this regard, and, subject to significant planting/softening around and between the pitches, and a control on the number of caravans that can be positioned on the land as a whole, I find that the unauthorised development would be capable of furthering the statutory purpose of conserving and enhancing the landscape and scenic beauty of the Chilterns AONB. Indeed, I find that the provision of new planting on the site (including that part of it that can lawfully be used for residential caravan purposes), including significant hedgerow planting, would seek to further conserve and enhance the significance of the Chilterns AONB.
96. Given the above, I find that the development would be capable of according with paragraph 189 of the Framework and the requirements of the Levelling-up and Regeneration Act 2023 which requires decision makers to seek to further the statutory purposes of Protected Landscapes which, in this case, is to conserve and enhance the natural beauty of the Chilterns AONB.
97. I therefore conclude that development is capable of being approved without harm being caused to the character and appearance of the area, and so that it conserves and enhances the natural beauty of the Chilterns AONB. In this regard, I find that the development is capable of according with policies CS22 of the CS, policy LSQ1 of the LP, and chapter 15 of the Framework.

Risk of flooding

98. The Council has reviewed its position about this main issue. It has considered a drainage statement that was submitted with planning application reference PL/23/3034/FA.
99. The Council is now satisfied that surface water drainage and any associated flood risk could be adequately addressed by means of the imposition of a planning condition. I have no reason to doubt the conclusion reached by the Council that any risk of surface water flooding could be suitably addressed by a planning condition. In this regard, I find that the development is capable of according with policies CS4 of the CS and policy GC10 of the LP.

Biodiversity

100. Policy CS24 of the CS requires the Council to conserve and enhance biodiversity and, moreover, the Council's adopted Biodiversity Net Gain Supplementary Planning Document July 2022 requires development to result in net gain for biodiversity. In addition, paragraph 180(d) of the Framework requires developments to provide net gains for biodiversity.
101. The evidence is that hardstanding has been formed on the land following the removal of a bund. As part of the appeal, the appellant has not submitted sufficient evidence to show the baseline position prior to the breach of planning control occurring. This would normally be necessary to then be able to assess the extent to which it would be possible to mitigate any possible harmful impacts on biodiversity and the extent to which biodiversity mitigation would be needed to achieve an overall biodiversity net gain position.
102. However, the main parties agreed at the hearing that the bund contained a significant amount of concrete and hence its biodiversity value was not likely to be of any positive significance. There is scope to provide significant landscaping on the land in the form of native tree and hedge planting both within the site and on its boundaries. Moreover, it is noteworthy that the appellant agreed at the hearing that additional planting/landscaping would be provided on the land which already has permission for the siting of caravans and the provision of pitches. In this regard, there is scope to make biodiversity improvements relative to the consented fall-back position. In this case, I am satisfied that biodiversity enhancement could be achieved on the land and by planning condition.
103. I therefore conclude that the breach of planning control would be capable of according with the biodiversity requirements of policies CS4 and CS24 of the CS, the SPD and the Framework. This would be a benefit and I shall weigh this matter in the overall planning balance.

Other Considerations

Gypsy and Traveller status

104. Article 8 of the European Convention on Human Rights as incorporated into the Human Rights Act 1998 (HRA) states that everyone has a right to respect for private and family life, their home and correspondence. This is a qualified right,

whereby interference may be justified in the public interest, but the concept of proportionality is crucial.

105. Furthermore, in exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment, and victimisation and to advance equality of opportunity. The Act recognises that race constitutes a relevant protected characteristic for the purposes of PSED. Romany Gypsies and Irish Travellers are ethnic minorities and thus have the protected characteristic of race.

106. The evidence is that some Gypsies and Travellers are currently living on the site. There are, however, also people from the settled community living on the site. This information is drawn from the appellant's table of site residents provided in November 2024. The Council does not dispute that some of the named individuals are, by definition, Travellers. I have no reason to disagree.

Gypsy and Traveller pitch need and provision

107. The most up to date evidence in terms of the need for Gypsy and Traveller pitches in the area is contained within the Aylesbury, Chiltern, South Bucks and Wycombe Gypsy, Travellers and Travelling Showpeople Accommodation Needs Assessment 2017 (2017 GTAA).

108. There is no dispute between the parties that Policy CS14 of the CS is not up to date. Indeed, the evidence base upon which it relies for the plan period is based on the out-of-date 2006 Gypsy and Traveller Accommodation Assessment. There is agreement between the main parties (as also confirmed in the statement of common ground) that the 2017 GTAA needs updating and that it can no longer be relied upon as an objective measure of an up-to-date need for Gypsy and Traveller pitches.

109. There is no dispute between the parties that the local planning authority cannot demonstrate a five-year supply of deliverable Gypsy and Traveller sites. There is unmet need for Gypsy and Traveller pitches in the area. In the context of Policy CP4 of the CS, I find that there is a failure of policy in terms of addressing the need for Gypsy and Traveller pitches in the area.

110. Collectively, the above are material planning considerations which weigh positively in favour of allowing the appeal. Indeed, the provision of additional pitches/residential caravans on the appeal site would go a long way towards addressing the undersupply and unmet Traveller pitch need position in the area.

111. Unmet Gypsy and Traveller pitch need, and a failure of policy, are matters which weigh in favour of granting planning permission for the breach of planning control.

112. Paragraph 28 of the 2024 PPTS states that if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites, the provisions in paragraph 11(d) of the 2024 Framework apply. However, this needs to be considered in the context of paragraph 11(d)(ii) of the 2024 Framework (including footnote 7) which states that the presumption in favour of sustainable development does not apply where the application of policies in the

2024 Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed.

113. I have found that the breach of planning control constitutes inappropriate development in the Green Belt. Harm has therefore been caused to the Green Belt. I have also been unable to conclude that harm has not/would not be caused to the integrity of the SAC. These provide strong reasons for refusing the unauthorised development.

Availability of alternative sites and the development plan

114. There is no requirement for the appellant to demonstrate that there are no alternative available Traveller sites in the area. However, it is noteworthy that the Council has not indicated that any alternative Traveller sites are available to accommodate the needs of some of the additional occupiers of the site. In this regard, I have determined this appeal on the basis that there are currently no alternative available Traveller pitches in the area for those that occupy unauthorised parts of the land. This weighs in favour of allowing the deemed planning application.
115. At the hearing, I asked the Council when it would be likely to update the 2017 GTAA and when it would likely have a newly adopted development plan which would provide an up-to-date strategy (including possibly allocating Traveller sites) to address unmet Traveller pitch need. The Council representative confirmed that a new GTAA would be likely in the next few weeks and that a new development plan was scheduled to be adopted in September-December 2027.
116. While it may be possible for some of the Traveller residents on the site, who would be required to leave it if the notice was upheld owing to where they live on the land, to secure planning permission on an alternative Traveller site elsewhere in accordance with relevant development plan policies, this would take some time to achieve. Even if new Traveller sites were to be approved elsewhere, and within the enforcement notice compliance period of twelve months, some time would also be needed to ensure that the necessary infrastructure was in place to enable residential occupation of such sites. I return to this issue again as part of the planning balance, and also as part of my consideration of the appeals made under ground (g) of section 174(2) of the Act, although, on reflection, the Council agreed at the hearing that a more reasonable timescale in this regard would be eighteen months.

Personal circumstances of occupiers of the site

117. The table of site resident details from the appellants dated November 2024, which provides various factual details about occupiers of land, shows that some have either a disability and/or poor health. Full information about these matters has not been disclosed by the appellants. It is also noted that none of the occupiers of the site attended the hearing and where they would have had the opportunity to have their say about such matters.
118. Nonetheless, it is reasonable that I take the view that the stability of a permanent and settled base is likely to be advantageous for those who have a disability or are suffering from poor health.

119. I do not doubt that a refusal of planning permission, and upholding the notice, would have the effect of causing some anxiety and distress to those that occupy the site and who would be required to leave. Indeed, such anxiety has the potential to result in further adverse health consequences. This is a matter which weighs in favour of allowing the appeal and it is necessary that it is balanced against identified planning harm.

Best interests of the children

120. I am mindful that Article 3(1) of the United Nations Convention on the Rights of the Child provides that the best interests of the child shall be a primary consideration in all actions by public authorities concerning children.

121. The appellants' evidence demonstrates that the site is occupied by several children. Some attend local schools. The site offers stability and security for the children from an education and emotional well-being point of view. This level of stability and security would be unlikely to be achieved to the same extent from a roadside or more transient existence. These matters weigh in favour of allowing the appeal, but it is still necessary that I weigh such matters against the identified planning harm.

Previously developed land

122. For the reasons already outlined above, I conclude that the appeal site is partly PDL, and, in this regard, positive weight can therefore only be afforded to the provision of those caravans that are on PDL. The intensification of use relates, essentially, to land where there was previously a bund. I do not find that this land is PDL. I afford positive weight in the overall planning balance to the fact that the site is at least partly PDL.

Housing land supply

123. At the hearing, the Council confirmed that it could demonstrate less than one year supply of non-Traveller housing sites (0.73 of a year) in the area. In this regard, those caravans on the site which are occupied by non-Travellers are making a positive contribution towards addressing the housing under supply position. This is a matter that therefore weighs in favour of granting planning permission. However, I emphasise that paragraph 11(d)(i) of the 2024 Framework is not engaged given my conclusions in respect of the Green Belt and SAC main issues, which are both strong reasons for refusal. Moreover, and notwithstanding the views expressed by the appellant at the hearing, there is no objective evidence before me to indicate that such residential caravans are fulfilling an affordable housing function with reference to the definition of affordable housing in the 2024 Framework.

Planning Balance and Conclusion

124. The unauthorised development would be capable of conserving and enhancing the Chilterns AONB, and not causing harm to the character and appearance of the area, subject to the imposition of a landscaping condition. Moreover, the breach of planning control would not give rise to unacceptable flooding and the evidence is that biodiversity enhancement could be realised subject to the submission and approval of a scheme by condition. To the extent that

biodiversity enhancement would be possible on the land, I find that this would be a benefit.

125. Notwithstanding the above, the breach of planning control amounts to inappropriate development in the Green Belt. This is a matter to which I afford substantial adverse weight in decision making terms. Furthermore, I have been unable to conclude that the development has not/would not cause harm to the integrity of the SAC. This also weighs very significantly against granting planning permission. Indeed, it is a matter which neither allows me to approve temporary nor permanent planning permission given that paragraph 193 of the 2024 Framework states that *'planning permission should be refused'*.
126. I conclude that the harm by reason of inappropriateness in the Green Belt, and the other harm relating to the SAC, is not clearly outweighed by the other identified considerations above (this includes the undersupply positions for both general housing sites and Traveller pitches), so as to amount to the very special circumstances necessary to justify granting permanent planning permission for the development.
127. For the reasons outlined above, I do not find that I am able to approve temporary planning permission. If I were able to do this, I accept that the harm caused to the openness of the Green Belt would not be as significant when compared to the grant of permanent planning permission. This is because the harm would not endure for as long. Nonetheless, even if I could grant temporary planning permission, I find that the harm caused (i.e., from a temporary period over that specified in the varied compliance period as below) would still be significant in the context of inappropriate development in the Green Belt and the harm caused to the SAC. I therefore find, in any event, that the harm by reason of inappropriateness in the Green Belt, and the other harm relating to the SAC, is not clearly outweighed by the other identified considerations (this includes the undersupply positions for both general housing sites and Traveller pitches), so as to amount to the very special circumstances necessary to justify granting temporary planning permission for the development.
128. Notwithstanding the above conclusions, it is open to me to consider whether the compliance period in the notice is reasonable and proportionate. I consider this matter further as part of the ground (g) appeals.
129. I have also considered the scope for considering a less intensive breach of planning control. However, an alternative scheme has not been suggested by the appellants and nor do I have any plans which show what an alternative scheme might look like. Moreover, it is noteworthy that the caravans/mobile homes on the land are being occupied partly by Travellers and partly by non-Travellers. This brings with it a degree of complexity in terms of assessing matters from a planning policy and other material considerations point of view. In any event, it is not for me to make a case for the appellant, or to search around for an acceptable modification to the breach of planning control where none is proposed.

Appeals on ground (f)

130. An appeal made under ground (f) is that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control or to remedy any injury to amenity which has been caused by any such a breach.
131. The purpose of the notice is to remedy the breach of planning control by ceasing the stationing of residential caravans outside of the physical area covered by the 1992 Permission and LDC and, in turn, to remove all caravans (including mobile homes) and associated development from the land.
132. The notice also requires hardstanding to be removed from land as shown in the approximate position marked stippled on the plan attached to the notice. I have already concluded, as part of the ground (c) appeals, that the appellants' evidence does not lead me to reach a different conclusion to the Council that the hardstanding was formed to facilitate the material change of use of the land and that it is an ancillary element to that material change of use of the land.
133. In the context of the above, I conclude that steps in the notice are not excessive. Therefore, the ground (f) appeals fail.

Appeals on ground (g)

134. An appeal made on ground (g) is that the period specified in the notice in accordance with section 173(9) of the Act falls short of what should reasonably be allowed.
135. The appellants consider that a compliance period of two years and six months would be reasonable as this would give the residents further time to find an alternative site in the context that the Council cannot demonstrate a deliverable five-year supply of Traveller pitches, or indeed a deliverable five-year supply of housing sites in the area. The request for two years and six months is essentially to reflect the fact that a new development plan is not scheduled to be adopted until September-December 2027. At the hearing, the Council's representative confirmed that at this time the Council would at least have likely to have made additional provision for Traveller pitches in the area, including possible site allocations.
136. At the hearing, there was some discussion about whether it would be possible for either Travellers or non-Travellers to find alternative accommodation elsewhere within the stated compliance period of twelve months. After some discussion, and, on reflection, the Council agreed that it would be acceptable to vary the compliance period from twelve months to eighteen months. It was considered that this would afford residents reasonable opportunity to secure an alternative Traveller site, including, if necessary, obtaining planning permission and putting in place necessary infrastructure, and/or to consider alternative accommodation in the form of a mobile home park elsewhere and/or bricks and mortar housing elsewhere.
137. While I find that the evidence indicates that twelve months is reasonable and proportionate in terms of complying with the physical requirements of the notice, I find that a compliance period of eighteen months would reasonably

afford the occupiers of the site, including children on the site, some additional time to secure alternative accommodation, and also to afford some of the residents, including children on the site, some additional stability in terms of education, health and disability related matters.

138. The appellants' request for two years and six months would be tantamount to the grant of temporary planning permission and would not be reasonable or proportionate in this case. However, and, given also the Council's agreement that the compliance period could be varied to eighteen months, I shall accordingly vary the notice. In reaching this conclusion, I am mindful that in upholding the notice it would mean that some residents on the land would, in time, lose a home. However, a varied compliance period of eighteen months is reasonable and proportionate in this case. I find that it strikes an appropriate balance between bringing the unauthorised development to an end in the public interest, while also considering the Article 8 rights of occupiers of the land.

139. To the extent that I shall vary the compliance period to eighteen months, I conclude that the ground (f) appeals succeed.

The Operational Development Notice (Appeals E, F, G and H)

Appeals on ground (e)

140. An appeal made on ground (e) is that copies of the notice were not properly served on everyone with an interest in the land as required by section 172 of the Act. Section 172(2) of the Act provides that a copy of an enforcement notice shall be served on the owner and occupier of the land to which it relates, and any other person having an interest in the land, including mortgagees, tenants, and sub-tenants, being an interest which, in the opinion of the local planning authority, is materially affected.

141. The appellants claim that a copy of the notice was not served on each of the residents on the land. There is also dispute between the parties about whether the Council served a copy of the notice on the land to owners/occupiers and instead just served two copies of the separate material change of use notice. Furthermore, the appellants claim that the residents to the west of the appeal site should have been served with a notice as they '*may need or be able to relocate to the east of the site*'.

142. The operational development notice (i.e., hatched area) does not relate to a material change of use of the land. The associated deemed planning application relates only to the formation of a hardstanding. It is not therefore the case that if deemed planning permission is refused for the development which is the subject of the material change of use notice, and deemed planning permission is approved for the hardstanding to the east, it then means that residents can lawfully relocate to the hardstanding to the east. Any such proposal would need to be the subject of a separate planning application and considered against relevant local and national planning policies. This is not a matter that therefore supports the appellants' claim that copies of the notice were not properly served.

143. In this case, the notice is attacking hardstanding shown with cross hatching on the plan attached to the notice. The notice requires this hardstanding to be

removed. It does not require any other area of hardstanding to be removed. In this case, I do not consider that it was necessary for the Council to serve copies of the notice on existing residents living on adjacent land. This is because when the notice was issued, the evidence is that there were no residents on the hardstanding shown with cross hatching on the plan attached to the notice. Indeed, the appellant has not provided any evidence to refute the Council's claim that there were no residents on the hardstanding shown with cross hatching when the notice was issued. Moreover, in respect of section 172(2) of the Act, the appellant has not provided any evidence to suggest that any of the residents on the adjacent site would be materially affected by the serving of the notice which requires the removal of the stated hardstanding.

144. I find that the Council did properly serve the notice in accordance with the requirements of section 172(2) of the Act. Indeed, the list of those served with a copy of the notice shows that it was served on every owner and/or occupier of and/or person having an interest in the land from the point of view of the hardstanding shown with cross hatching on the plan attached to the notice. The evidence is that copies of the notice were served on individual owners and interested parties at specific addresses elsewhere. This included the company secretary. It is noteworthy that four of the owners of the site have appealed the notice. Hence, they are clearly aware of the notice.

145. For the above reasons, I conclude that the ground (e) appeals fail.

Appeals on ground (b) and (c)

146. An appeal made on ground (b) is that the matters comprising the alleged breach of planning control have not occurred. An appeal made on ground (c) is that the matters alleged do not constitute a breach of planning control. The onus is on the appellant to make a case on the legal grounds of appeal.

147. The appellants' claim under ground (b) and (c) is that they sought to clear the land of rubbish and waste and found a significant amount of pre-existing hardstanding. Moreover, the appellants state that what is there now is part of the old road running along the north of the site and within the hatched area on the plan attached to the notice.

148. I have viewed the aerial photographs provided by the appellant. This shows that the hatched area of land was green/vegetated in March 2020. There is a change to the appearance of part of the land in June 2021 and then a significant change to the appearance of the land in October 2023. As a matter of fact and degree, I find that a new hardstanding area has been formed on the land. There is a digger shown in the council's October 2023 aerial photograph and this also corresponds with the photograph submitted alongside the representation received from an interested party who lives on Copperkins Lane.

149. The evidence indicates that it is likely that the hardstanding was formed using this digger. This lends support to my view that a new engineering operation has occurred on the land. I am cognisant that evidence demonstrates that the land has been levelled and prepared with a cohesive sub-base and with a layer of tarmac thereafter added. As a matter of fact and degree, I find that a new hardstanding has therefore been formed on the land. In this regard, it does not matter if there were the remains of small amount of historic road or

other building material within the land. While there may have been a road on part of the site in the past, the evidence suggests to me that it is likely that this was either removed or elements of it had essentially returned to a vegetative state.

150. The appellants have not, in any event, sufficiently proven (e.g., no dated photographs or statutory declarations) that there were any material areas of hardstanding/part of a former road on the land prior to the new hardstanding being formed. It may have been the case that there were some broken pieces of material beneath the ground but that does not equate to a hardstanding. As a matter of fact and degree, the evidence is that a new engineering operation, including scabbling as accepted by the appellant, had occurred on the land when the notice was issued. This was in the form of the creation of a new hardstanding area.
151. In reaching the above views, I have also considered the comment made by a local resident that *'a large JCB has been present at the site for a few years, and most of Copperkins Lane could hear it in operation creating the hardstanding – I think in early 2021 – and it is also clear to see from aerial shots over time that this digger has been used to create a level hardstanding'*. This also casts doubt about the appellant's claim that the hardstanding within the cross hatched area has not occurred.
152. I find, as a matter of fact and degree, that the evidence indicates that when the hardstanding is considered as a whole, it constitutes a new engineering operation on the land. In this regard, a new act of development has occurred in accordance with section 55 of the Act. On the evidence that is before me, I am not certain of the appellants' intentions in terms of use of the hardstanding. However, there is no evidence before me that it is to serve any agricultural use of the land. There is no evidence before me, to support any claim that the development would be permitted with reference to any part of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The onus is on the appellants to make their case on legal grounds and no such claim has been made by them.
153. For the above reasons, I conclude that the ground (b) and (c) appeals fail.

Appeal on ground (a) and the deemed planning application

Main Issues

154. The appeal is made under ground (a) which is that planning permission ought to be granted in respect of the breach of planning control alleged in the notice. I have considered the reasons for issuing the enforcement notice and the main issues are: -
- whether the development is inappropriate development in the Green Belt,
 - the effect of the development on the character and appearance of the area including The Chilterns AONB, and,
 - whether any harm by reason of inappropriateness in the Green Belt, and any other harm, is clearly outweighed by other considerations, so as to

amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development in the Green Belt

155. The unauthorised hardstanding on the land is an engineering operation.

156. I have considered whether paragraph 155 of the 2024 Framework would be applicable in this case under the category of 'other development'. The land is not grey belt land. Indeed, there is no objective or persuasive evidence before me to demonstrate that there is a demonstrable unmet need for the type of development under consideration, i.e., a hardstanding. Therefore, the breach of planning control does not meet the exception to inappropriate development in paragraph 155 of the 2024 Framework.

157. Paragraph 154(h)(ii) of the 2024 Framework permits engineering operations in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

158. The hardstanding area is generally well screened from public views owing to boundary landscaping on the main road. I do not find that it causes harm to the openness of the Green Belt in visual or spatial terms. While the Council states that it could be used for car parking purposes, and hence may have an adverse impact on the openness of the Green Belt, it is important to recognise that the notice does not attack any use of the hardstanding. In other words, the ground (a) appeal relates solely to the formation of the hardstanding and not any associated use. I find that the hardstanding has preserved the openness of the Green Belt.

159. Notwithstanding the above, for an engineering operation to not constitute inappropriate development in the Green Belt, it must also not conflict with any of the Green Belt purposes. I have been able to consider the dated aerial photographs submitted by the Council and it is clear that prior to the breach of planning control occurring, the land had a distinctly more landscaped appearance and there was no visible evidence of any hardstanding. The sites essentially undeveloped and rural character is depicted in the aerial photograph dated 1 March 2020 and its appearance is in direct contrast with the hardstanding areas shown within the adjacent Gypsy and Traveller site at Green Park.

160. I consider that the hardstanding has had the effect of materially urbanising this area of countryside. I accept that the site is largely screened from public views owing to boundary landscaping. However, it is very apparent from the Gypsy and Traveller site (part of which is lawful). I consider that the hardstanding has significantly changed the way that the land as shown hatched on the plan is experienced from the Gypsy and Traveller site. It has urbanised this part of the countryside and hence has led to countryside encroachment. Consequently, I find that conflict has arisen with one of the purposes of Green Belt as stipulated in paragraph 143(c) of the Framework, i.e., to assist in safeguarding the countryside from encroachment.

161. As the development is inappropriate development in the Green Belt, I conclude that there is therefore conflict with the Green Belt requirements of policy GB2 of the adopted Chiltern Local Plan (consolidated 2011) (LP) and the 2024 Framework. This is a matter to which I afford substantial adverse weight given paragraph 153 of the 2024 Framework.

Character and appearance including effect on The Chilterns AONB

162. While it is acknowledged that there is a lawful Gypsy and Traveller residential caravan site adjacent to the hardstanding, and pockets of sporadic built development off the rural lanes, the surrounding area is nonetheless predominantly open and rural in character. There are some mature hedges fronting the main roads and as field boundaries. I noticed on my site visit that these positive and distinctive characteristics are experienced while travelling along Copperkins Lane, Fullers Hill and Weedon Hill.

163. The hardstanding is extensive in size. While it is well screened from surrounding highways, owing to the existence of mature boundary landscaping, it is nonetheless the case that the more rural and undeveloped character of the landscape within the hatched area on the plan attached to the notice has been unacceptably eroded because of the formation of the hardstanding. I accept that the harm that has been caused is essentially a localised one in respect of viewpoints. Indeed, the land is now appreciated as being distinctly urban in appearance when viewed by occupiers and visitors of Green Park. While the harm is localised, the development has nonetheless departed from the predominantly rural character of this part of the countryside.

164. The land falls within The Chilterns Area of Outstanding Natural Beauty (AONB) (N.B, AONB is now referred to as a National Landscape). The site falls within the settled plateau landscape type and the Hyde Heath Settled Plateau Landscape Character Area as defined in the Landscape Character Assessment 2011 (LCA) which was prepared for Buckinghamshire County Council and Chiltern District Council. The LCA identifies several features of the landscape as I have detailed above.

165. I find that owing to the position and extent of the hardstanding, it has caused harm to what was otherwise a more rural and undeveloped character of the land and which provided a soft and undeveloped setting to the lawful residential caravan park. When considered against the existing residential caravan park, I find that the hardstanding has caused harm in cumulative terms. It has further urbanised this area of countryside and, in this regard, is experienced as being out of place in an area of countryside where the pockets of existing built/engineered development are not of the same scale.

166. For the reasons outlined above, I find that the hardstanding does not appropriately recognise the intrinsic character and beauty of the countryside. The land may be largely screened from views from surrounding highway owing to mature boundary planting, but it is important that one recognises that such planting may not endure forever. That said, the harm that I have identified is essentially only noticeable from localised viewpoints, i.e., from within the lawful residential caravan site adjacent to the site. Overall, I find that limited localised harm has been caused to the character and appearance of the area, including to the Chilterns AONB.

167. While the harm that I have identified is limited, it is nevertheless harm.

Paragraph 189 of the Framework states that '*great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty*'. Given my finding, the development has neither conserved nor preserved the Chilterns AONB. For the reasons outlined, I conclude that there is conflict with the landscape character, appearance and design requirements of the Framework and policies GC1 and LSQ1 of the LP, policy CS22 of the adopted Core Strategy for Chiltern District 2011, and chapter 15 of the 2024 Framework.

Planning Balance and Conclusion

168. The breach of planning control constitutes inappropriate development in the Green Belt. This is a matter to which I afford substantial adverse weight.

Moreover, limited harm has been caused to the character and appearance of the area including to the Chilterns AONB. As the Chilterns AONB has not been conserved or enhanced, there is direct conflict with the requirements of paragraph 189 of the Framework. In this case, I do not find that the development has or would further the statutory purpose of Protected Landscapes which, in this case, is to conserve and enhance the natural beauty of the Chilterns AONB. Great weight should be given to conserving or enhancing the Chilterns AONB and hence the conflict with this requirement is a matter which weighs heavily against granting planning permission.

169. In this case, the harm caused by the development by reason of inappropriateness in the Green Belt, and the other identified planning harm, is not clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development on either a temporary or a permanent basis. Therefore, the ground (a) appeal fails.

Appeals on ground (f)

170. An appeal made under ground (f) is that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control or to remedy any injury to amenity which has been caused by any such a breach.

171. The appellants claim under ground (f) is that the hatched area on the plan covers part of a former road and the bunding along the boundary with Copperkins Lane. The appellant claims that the steps to require the removal of the hardstanding within the hatched area is excessive in this regard and that an amended/alternative plan showing the exact area of hardstanding to be removed could be provided and agreed.

172. As reasoned in my consideration of the ground (b) and (c) appeals, the appellant has not proven with sufficient precision and clarity that when the notice was issued, part of a former road or any other historic/lawful hardstanding area was within the hatched area. In addition, and, in any event, the appellants have not submitted an alternative plan. Moreover, it is noteworthy that the appellants have not lodged an appeal under ground (d) of section 174(2) of the Act and so are not claiming that any part of the hardstanding within the hatched area on the plan attached to the notice is immune from enforcement action owing to the passage of time.

173. The notice does not require a bund to be removed. It simply requires the unauthorised hardstanding to be removed. The purpose of the notice is to remedy the breach of planning control by removing the hardstanding. In this regard, the steps in the notice are not excessive as they remedy the breach of planning control. Therefore, the ground (f) appeals fail.

Conclusions

Appeal A Ref: APP/X0415/C/23/3334129

174. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction and variation and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Appeal B Ref: APP/X0415/C/23/3334130

175. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction and variation.

Appeal C Ref: APP/X0415/C/23/3334131

176. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction and variation.

Appeal D Ref: APP/X0415/C/23/3334132

177. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction and variation.

Appeal E Ref: APP/X0415/C/23/3334050

178. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Appeal F Ref: APP/X0415/C/23/3334051

179. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

Appeal G Ref: APP/X0415/C/23/3334052

180. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

Appeal H Ref: APP/X0415/C/23/3334053

181. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

D Hartley

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Joseph G Jones of BFSGC Planning

Mr Rhodri Crandon – TDA Landscape Architects

FOR THE LOCAL PLANNING AUTHORITY:

Stephanie Penney BA (Hons), MA, MRTPI – Enforcement Team Leader (South Buckinghamshire)

Helen Harding MRTPI – Principal Planner, Planning Policy

Selina Islam BSc, MSc – Senior Planning Enforcement Officer

OTHER INTERESTED PARTIES:

None

DOCUMENTS SUBMITTED AT THE HEARING

1) Suggested condition from the appellant relating to the SAC main issue.

2) List of conditions agreed by the appellant and the local planning authority following discussion at the hearing.