



Appeal Decisions

Hearing and site visit held on 18 February 2025

by **Mark Harbottle BSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 April 2025

Appeal A Ref: APP/F2605/C/24/3353633

Appeal B Ref: APP/F2605/C/24/3353634

Appeal C Ref: APP/F2605/C/24/3353635

Land at Festival Road, Billingford, Norfolk NR20 4RB

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended) (“the Act”) by Mr Rhys Clapham (Appeal A), Ms Denise Clapham (Appeal B) and Ms Gabrielle Needham (Appeal C) against an enforcement notice issued by Breckland Council.
- The notice was issued on 10 October 2024.
- The breach of planning control as alleged in the notice is: Without planning permission the carrying out of a material change of use from agriculture to the stationing of caravans for residential occupation and operational development associated with the material change of use.
- The requirements of the notice are to: (1) Permanently cease the use of the land for the stationing of caravans for residential occupation; (2) Permanently cease the residential use of the land; (3) Permanently remove all caravans from the land; (4) Permanently remove all services, infrastructure and paraphernalia associated with the residential use of the land removing all resulting debris; and (5) Reinstate the land to grassland.
- The period for compliance with the requirements is: 3 calendar months.
- The appeals are proceeding on the grounds set out in section 174(2)(c), (f) and (g) of the Act.

Summary of Decisions: The appeals are dismissed and the enforcement notice is upheld with corrections and variations in the terms set out below in the Formal Decision.

Appeal D Ref: APP/F2605/W/24/3353664

Land at Festival Road, Billingford, Norfolk NR20 4RB

- The appeal is made under section 78 of the Act against a refusal to grant planning permission.
- The appeal is made by Mr Rhys Clapham against the decision of Breckland Council.
- The application Ref is 3PL/2023/1058/F.
- The development proposed is: Change of use of land for the standing of two residential static caravans and two touring caravans to meet the accommodation needs of a local Gypsy/Traveller family to include ancillary works.

Summary of Decision: The appeal is dismissed.

Preliminary matters

1. Section 176(1) of the Act allows that any error, defect or misdescription in the enforcement notice subject of Appeals A, B and C may be corrected, so long as it would cause no injustice to the Council or the appellants. The allegation and requirement (1) should refer to residential use of caravans rather than occupation, which is not development. The correction and variation can be made without causing injustice.
2. The allegation of ‘operational development’ does not align well with the more precise 4th requirement of the notice, to remove ‘all services, infrastructure and paraphernalia.’ The Council has explained that the notice is concerned with operations to excavate land for the installation of a septic tank and pipework, the

construction of a hardstanding, including forming or enlarging a concrete pad, and the erection of fences within the site. The allegation and requirement (4) can be corrected and varied accordingly without giving rise to injustice.

3. The appellants began keeping and breeding dogs on the land after the notice was issued, in addition to the alleged use. However, the notice does not allege that the land is in mixed use, and the deemed planning application the subject of Appeal D was not made to seek permission for carrying out a mixed use.
4. The appellants had sought to argue that a set of gates they had erected may partly benefit from a planning permission conferred by Article 3 and Part 2, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, at the Hearing they confirmed that the gates had not been erected when the notice was issued.
5. Under section 173(11) of the Act, where a notice could have required that works are removed or an activity is ceased, but it does not do so, and all the requirements of the notice are complied with, planning permission shall be treated as granted for the development consisting of the construction of the work or carrying out of the activity. Since the notice does not allege a use of keeping and breeding of dogs or the installation of gates, it could not require the cessation or removal of those things and planning permission cannot be treated as granted in respect of them.

Appeals A, B and C – the appeals on ground (c)

6. The alleged material change of use is development requiring planning permission and the appellants identify 2 resolutions¹ in respect of residential development made over 30 years ago and which may have affected part of the land. However, no evidence has been presented of planning permission being granted following either resolution or of either development being carried out. In any event, neither proposal was for any matter alleged in the notice.
7. The alleged associated operational development includes the formation of a hardstanding. At the Hearing the appellants introduced a claim that the water authority had formed a hardstanding on part of the land, including the access track from Festival Road, in the 1960s or 1970s under permitted development rights. The appellants contend that they laid stone over that hardstanding.
8. Most of this area, excluding the access track, is green in an aerial image taken in 1999, indicating that it was grassed at that time. While that grass might have grown over a 20- to 30-year-old hardstanding, there is insufficient evidence for it to be considered probable. In any event, the work the appellants say they carried out, of stripping the surface and laying stone, is operational development requiring planning permission and which may reasonably be described as infrastructure.
9. The Council accepts there may have been a small hardstanding providing a base for a shed in the past, and that this may have been retained and extended. The appellants say they extended this hardstanding but only slightly but have not shown that the works involved did not require planning permission. While I saw a concrete pad under a static caravan, which the appellants claim they extended, photographs taken by the Council in November 2023 show a shed in a different position and no evidence of a pre-existing base in that position has been presented. The pad now

¹ 3/91/1015/F, no objection raised, 28 October 1991 and 3/91/1016/F, no objection raised, 28 October 1991.

under the caravan appears to be newly laid in the Council's photographs. No evidence of any other shed that may have stood on it has been produced.

10. For these reasons, it has not been demonstrated that the matters alleged in the notice are not a breach of planning control and the appeals on ground (c) must fail.

Appeal D

11. The main issues in this appeal are:

- Whether the location for the development is acceptable in principle, having regard to the effect of the development on character and appearance.
- The need for and supply of Gypsy and Traveller pitches in Breckland.
- The effect of the development on assets and areas of particular importance, including the River Wensum and Habitats Sites.
- The effect of the development on living conditions.
- The personal circumstances of the appellants and their dependants.

12. The application was made for 2 pitches, each with a static caravan and a touring caravan, to meet the needs of a Gypsy or Traveller family. If that does not prove acceptable, the appellant would accept permission for the single pitch currently there and/or for a limited period. I shall consider those options as necessary.

Reasons

The location, character and appearance

13. Billingford is not within any settlement boundary set out in the development plan. The sustainability of the location therefore falls to be determined having regard to policies HOU 05 (Small Villages and Hamlets Outside of Settlement Boundaries) and HOU 08 (Provision for Gypsies, Travellers and Travelling Showpeople) of the Breckland Local Plan ("the BLP"). Criteria a) to h) in paragraph 13 of PPTS are also material to determining the sustainability of Gypsy and Traveller sites.
14. The provision of services and facilities in Billingford is limited, the only facilities within a mile of the appeal site being the parish church and village hall. It is therefore necessary to travel to other settlements for groceries or for access to schools and health services. In this regard there appears to have been no meaningful change since the evidence base underpinning the development plan's settlement hierarchy was compiled.
15. Festival Road is a cul-de-sac and is a clear exception to the linear form of development mostly found on Bawdswell Road (B1145) and Bintree Road that accounts for almost the entire village. The appeal site lies beyond and separate from the cul-de-sac, accessed by means of a track passing between back gardens. It has not been demonstrated that the design of the development makes any contribution to enhancing the historic nature and connectivity of communities.
16. Any development of the appeal site would therefore not infill or round off the cluster of dwellings forming the village sensitively, by reason of its projection beyond the atypical cul-de-sac, which itself is not sensitively infilled or rounded off. While that is a key criterion of policy HOU 05, it is not repeated in HOU 08. Furthermore, the

framework for considering the sustainability of Gypsy and Traveller sites in paragraph 13 of PPTS does not include any equivalent expectation.

17. The 2 pitches are, however, of an appropriate scale in the context of the settlement and would not dominate the settled community and should allow for peaceful and integrated co-existence with the local community. Given that caravans are not built development, it is not inappropriate to the setting. While the site encroaches into the countryside, it does not occupy a visually important gap that contributes to the character and distinctiveness of the rural scene.
18. The foregoing assessment indicates there is conflict with criterion 1 of policy HOU 05 and criterion 3 of policy HOU 08. That is, however, offset by the absence of conflict with PPTS in terms of sustainability or character and appearance.

Need and supply

19. PPTS requires that local planning authorities identify sufficient sites to ensure a 5-year supply of deliverable pitches to meet their locally set targets. Policy HOU 08 supports the provision of 4 new pitches in the area by 2036, but that is likely to under-estimate actual need because it is based on a Gypsy and Traveller Accommodation Assessment (GTAA) prepared over 8 years ago and using a now superseded definition of Gypsies and Travellers.
20. The Council has prepared a new GTAA, but it has not been adopted and was not provided to me. In any event, the Council concedes that it cannot demonstrate an up to date 5-year supply of deliverable sites, a matter to be afforded significant weight in favour of granting permission. However, I have no information on the new GTAA's content, so I cannot know when or to what extent it might influence any improvement in the supply of deliverable alternative sites that would be suitable for the appellant and his family.

Assets and areas of particular importance

21. The closest area of particular importance protected by relevant policies of the Framework is the River Wensum, designated a Site of Special Scientific Interest and a Special Area of Conservation (SAC), and thus a European Site. The appeal site is within the river's catchment. While the appellant questions whether the river merits its designated status, that is not a matter I can determine. The designation was made following due process and so is a material consideration in the appeal.
22. Relevant policies of the Framework also protect other European Sites within Norfolk, including Breckland SAC, The Broads SAC, Norfolk Valley Fens SAC, North Norfolk Coast SAC and The Wash and North Norfolk Coast SAC. All of these, plus the River Wensum, meet the Framework's definition of a Habitats Site.
23. The appeal site lies within the catchments of the River Wensum SAC and the Broads SAC, the latter including the Broadland Ramsar. Development within the catchments of these Habitats Sites is required to achieve nutrient neutrality, to avoid harm to their protected water environments by reason of nitrogen and phosphorus discharge.
24. Any proposal likely to have a significant effect on a Habitats Site, either of itself or in combination with other projects or plans, requires an appropriate assessment of the effects on that Site to be made. A risk or a possibility of such an effect is enough to warrant the need for an appropriate assessment. A significant effect on

the qualifying features of the River Wensum SAC and other Habitats Sites that would undermine their conservation objectives from the residential use of the site, either alone or in combination with other plans or projects, cannot be ruled out.

25. The appellant submitted a Shadow Habitat Regulations Assessment (SHRA) during the appeal. The only assessment of the effect of the development is made in terms of the potential for phosphorus discharge, which can be a component of nutrient pollution. The SHRA states that sewage from the site would be processed at nearby treatment plants with phosphate stripping technology. The SHRA also states that the habitats and species that were a primary reason for the River Wensum SAC designation, or are present as a qualifying features within it, are not affected significantly by nitrate or phosphate nutrient pollution. It is not clear what evidence that view relies upon.
26. More fundamentally, the SHRA does not consider the potential nutrient effects of development on the Broads SAC and Broadland Ramsar. Furthermore, it is not supported by a nutrient budget for the development using a nutrient neutrality calculator, or a nutrient mitigation strategy. Because of these significant shortcomings, there is not enough information to rule out the likelihood of significant effects on Habitats Sites through nutrient impacts.
27. In addition to the noted shortcomings, the appellant's nutrient neutrality assessment understates the number of pitches and does not include an assessment of the nutrient effect of the land before the development. The change brought about by the development in terms of nutrient pollution is therefore not identified. Nevertheless, the shortcomings in the appellant's assessment mean it cannot be determined that a grant of planning permission, even just for one pitch, would not lead to harm to Habitats Sites. While measures to secure improved biodiversity within the site could be secured by conditions, this would not assist with biodiversity within any area of particular importance protected by policies of the Framework.
28. European Sites within Norfolk, excluding the River Wensum SAC, experience effects through recreational pressure, and this is addressed by the Norfolk Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy (GIRAMS). This is to ensure that development comprising overnight accommodation contributes toward measures to mitigate recreational pressure.
29. GIRAMS identifies and addresses the potential for recreation associated with development to have an impact on Habitats Sites. Five of the areas subject to GIRAMS² have defined zones of influence which include the appeal site. This means that even those areas that are not close to the site may be affected through recreational pressure associated with its residential use.
30. GIRAMS manages this by applying a tariff to qualifying development, including pitches for Gypsies and Travellers, to contribute towards mitigating the likely recreational impacts on protected areas. While the appellant contends that Gypsies and Travellers do not use such green spaces and expresses concern about the justification for GIRAMS, it aligns with relevant national and local planning policies, was adopted following due process, and is a material consideration in this appeal.

² Breckland SAC, The Broads SAC, Norfolk Valley Fens SAC, North Norfolk Coast SAC and The Wash and North Norfolk Coast SAC.

31. To ensure that recreational activity arising from the development will not impact on these areas of particular importance without appropriate compensatory measures, a contribution must be secured under GIRAMS. This is normally payable prior to commencement of development, secured by means of a planning obligation under section 106 of the Act. In this case, the material change of use has already occurred with the occupation of one pitch, but the development would only be completed by the formation of the second.
32. The appellant was therefore invited to submit a planning obligation to secure a contribution for the pitch already created within 1 month of any grant of planning permission and a contribution for the second pitch prior to its occupation. The submitted planning obligation instead includes a covenant to pay the contribution prior to the commencement of development, which would place the landowner in immediate breach. Furthermore, the obligation is undated, does not include the name and address of the landowner, and does not identify the land it relates to. Accordingly, and despite the appellant being given ample opportunity, there can be no confidence that the effects of recreational activity arising from the development on areas of particular importance will be mitigated.
33. For these reasons, and adopting the precautionary principle, it has not been demonstrated that there would be no harm to the integrity of any Habitats Site. Accordingly, there is reasonable scientific doubt concerning the absence of adverse effects, either alone or in combination, on the integrity of the River Wensum SAC, the Broads SAC and Broadland Ramsar, or on any Habitats Site within Norfolk facing recreational pressure.
34. It has therefore not been demonstrated that the development accords with the requirements of the Conservation of Habitats and Species Regulations 2017. This is contrary to the requirements of policy ENV 02 of the BLP and Part 15 of the Framework and carries substantial weight against the grant of planning permission.

Living conditions

35. The Council expresses concern about possible noise and disturbance affecting nearby residents, but I am mindful that permission is sought for a residential use. Although a caravan may not perform as well as a built structure in terms of noise insulation, the submitted plans show them being sited some distance from the nearest dwellings. No evidence of any adverse effect on living conditions arising from residential use of the pitch already formed has been presented. In these circumstances, it is reasonable to conclude that the living conditions of nearby residents are unlikely to be adversely affected.
36. The passage of vehicles along the access track, between 2 back gardens, would have some effect on the occupiers' enjoyment of their private garden areas. While I have noted comments made by nearby residents about disturbance from use of the track, this is expressed in respect of activity when the site was being laid out, including the delivery of materials, which has ended. Considering the nature of the use applied for and the expected routine journeys to and from the site associated with it, vehicle movements are limited numerically and an effect on neighbours that would warrant refusal of permission has not been identified.
37. Local people have also identified that Anglian Water now reverses its tanker down Festival Road, seemingly because it is no longer able to turn within the appeal site. While this is seen as arising from the change of use, and has reduced opportunities

for street play, it appears to be attributable to the fact that the land was sold without safeguarding any right to turn tankers on it. This means that even if the use were to cease, there may not be any change.

38. It was agreed at the Hearing that the use of external lighting could be controlled by means of a planning condition if the appeal were to succeed.
39. While I have considered the proximity of the small sewage works to the siting of the caravans shown on the submitted plans, this is comparable to the distance from the nearest 2 dwellings on Festival Road. There is no evidence that this results in any loss of amenity to the occupiers of those dwellings, so I see no reason to expect it for the occupiers of either pitch.
40. Accordingly, appropriately high levels of amenity and quality of life can be protected, as required by policy GEN 02 of the BLP, and no evidence of harm to the living conditions of occupiers of the appeal site or neighbours has been identified. The use is therefore acceptable in this respect.

Personal circumstances

41. The Council questions the appellant's status because his family is unknown to the County Gypsy Liaison Officer. However, planning permission may be granted for a Gypsy or Traveller site regardless of the applicant or appellant's status, unless their personal circumstances prove decisive. I heard that the appellant and his mother are ethnic Romani Gypsies. While he has lived in bricks and mortar housing in the past, he identifies as a Gypsy and follows the lifestyle of a Traveller. Having regard to this, and to the definition in the glossary to Planning Policy for Traveller Sites (PPTS), revised since the application was refused, I am satisfied that the appeal falls to be determined having regard to PPTS.
42. If planning permission were refused, compliance with the notice would force the appellant's family to vacate the site and become homeless. In that scenario, and without identified alternative sites, there is a high risk of resorting to roadside encampments. This could result in harm in terms of personal safety as well as living conditions and general wellbeing. I attach significant weight to the likelihood of a family being made homeless as a factor in favour of allowing the appeal.
43. The appellant and his family have been moved on from other sites and one member is in hospital and another is away from the site at present, providing care to a relative elsewhere. I was told that the uncertainty about their accommodation has affected family members' wellbeing. The appellant is worried about the future for his children; however, as matters stand, none are receiving education locally. This serves to limit the disruption that moving from the site might cause and I do not attach any further weight in support of the appeal as a result. Furthermore, I was told that the person who would occupy the 2nd pitch does not plan to move there yet, so their circumstances do not add weight in support of the appeal either.

Appeal D - planning balance and conclusion

44. The proposal has benefits in terms of meeting a need for pitches suitable for Gypsies and Travellers and the personal circumstances of the appellant and his family. I afford those issues and the risk of homelessness significant weight.

45. Because the conflict with development plan policies relating to the suitability of the location and character and appearance is offset by the absence of conflict with PPTS in the same regard, I find those issues to be neutral in the balance.
46. On the other side, owing to the noted shortcomings in the appellant's nutrient neutrality assessment and the failure to ensure recreational impact is mitigated or offset, it has not been demonstrated that the change of use avoids biodiversity harm to protected areas of particular importance. Following the precautionary principle, and in the absence of objective evidence to the contrary, it must be assumed that the effect on Habitats Sites would be significant and adverse. I attach substantial weight against granting planning permission to this.
47. Policy ENV 02 of the BLP may exceptionally allow for biodiversity harm if each of the following is met:
- Reasons for the proposal outweigh the need to safeguard the special ecological interest of Habitats Sites.
 - It has been demonstrated, where development would result in significant harm, that it cannot be reasonably located on an alternative site that would result in less or no harm.
 - Residual harm, after all measures to prevent and adequately mitigate have been applied, will be adequately compensated for.
48. In this case, the shortage of suitable alternative sites allows the 1st and 2nd tests to be met. However, the failures in respect of nutrient pollution and mitigating recreational impact mean that the 3rd test cannot be met. That is because the precise harm and the necessary mitigation are unidentified, so the degree of residual harm is uncertain. Accordingly, policy ENV 02 of the BLP does not permit an exception and the development is contrary to it, adding to the substantial weight against granting planning permission already identified.
49. Paragraph 28 of PPTS confirms that paragraph 11(d) of the Framework is engaged in the absence of an up to date 5 year supply of deliverable sites. This means that permission should be granted unless either of the following applies:
- (i) The application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development.
 - (ii) Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
50. Paragraph 193a) of the Framework and the application of policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development. Paragraph 11(d)(i) of the Framework therefore dictates that planning permission should not be granted. In these circumstances, it is not necessary to also consider whether the test set by paragraph 11(d)(ii) is met.
51. The significant weight I have afforded to the absence of available pitches in preferable locations and to the personal circumstances of the appellant and his

family might lead to a pragmatic decision to grant planning permission in some circumstances. However, in this case, it does not gainsay the strong reason for refusal by virtue of paragraphs 11(d)(i) and 193a) of the Framework identified above and the substantial weight I have attached to it.

52. The foregoing assessment is in respect of the permanent occupation of both pitches. As noted earlier, the appellant wishes me to also consider whether permission might be granted just for the single pitch currently there and/or for a limited period. While restricting permission to one pitch would reduce the potential for harm to the ecology of Habitats Sites, the shortcomings in the appellant's SHRA and nutrient neutrality assessment mean there is insufficient evidence to enable me to determine that the effects of a single pitch would be acceptable. Nor would the recreational impact of the pitch be offset by means of a GIRAMS contribution. Furthermore, the appellant has not clearly articulated what limited period I should consider granting permission for. It has therefore not been demonstrated that either option would avoid unacceptable harm to Habitats Sites.
53. A refusal of planning permission would interfere with the rights of the appellant and other occupiers to respect for their home and family life and property. This is under Article 8 of the European Convention on Human Rights as set out in Schedule 1 of the Human Rights Act 1998. The static caravan currently on the land is the appellant's home, and living in that caravan is central to his private and family life. I am also mindful that the best interests of his children are a primary consideration in the appeal and that those interests would be best served by a settled home.
54. The rights set out under Article 8 are qualified rights, which may be interfered with in accordance with the law and in the interests of public safety in a democratic society. Although there are no alternative available sites, and the occupiers of the site are likely to be made homeless, the assumed risk and consequences of harm to the ecology of Habitats Sites are so serious that it would not be proportionate to grant permission. The protection of the public interest cannot be achieved by means that interfere less with the rights of the occupiers under Article 8 in this way.
55. Under section 149(1) of the Equality Act 2010, I must have regard to the aims of the Public Sector Equality Duty (PSED). The second aim, to advance equality of opportunity, is relevant in terms of access to suitable accommodation, particularly in view of the undersupply of sites for Gypsies and Travellers. The appellant and his family have the protected characteristic of race for the purposes of the PSED.
56. While I have taken account of the foregoing rights and the aims of the PSED, they do not individually or along with any other considerations, outweigh the substantial negative factor of the assumed harm to the ecology of Habitats Sites. It is not in the public interest to permit development that has not been demonstrated to not cause harm to the ecology of those areas. Dismissing the appeal is therefore proportionate and necessary to avoid unlawful discrimination and to foster good relations between the occupiers and members of the settled community.
57. In these circumstances, there are no relevant material considerations that indicate that my decision should be taken otherwise than in accordance with the Framework and the development plan. For the reasons given above, I find that the proposal would conflict with paragraphs 11(d)(i) and 193 of the Framework and the development plan read as a whole and I conclude that the appeal should be dismissed.

Appeals A, B and C – the appeals on ground (f)

58. It is agreed that the purpose of the notice is to remedy the breach of planning control, not just any injury to amenity which it may have caused. An appeal on this ground may succeed if it can be shown that this purpose would be met by lesser steps than those required by the notice.
59. The appellants suggest a caravan could remain on the land to store agricultural or dog keeping materials if the residential use were to cease. However, there is no agricultural use of the land at present and it would be for a future agricultural operator to justify a storage need, should one arise. If dogs were kept on the land after the residential use had ceased, that would be a new unauthorised use and there would be no justification for keeping the caravan to facilitate it.
60. For these reasons, the appellants have not identified any lesser steps that would resolve the breach of planning control insofar as it relates to the use.
61. Turning to the associated operational development, it was confirmed in the Hearing that the matters are the installation of a septic tank and pipework, forming or enlarging a concrete hardstanding, and the erection of fences within the site. While a trench may have been dug for electrical cables, it is agreed that none were laid and there was no open trench when I visited the site. The notice can be varied to provide this clarification without causing either party injustice.
62. If the appeals were to fail, the laid stone hardstanding would need to be removed. Photographs taken by the Council in November 2023, after stripping but before the stone was laid, appear to show a surface that grass might reasonably be expected to grow on. A requirement to reinstate any land that was grassland before the breach occurred to that condition is therefore reasonably necessary.
63. However, and while the appellants did not make this point, the requirement to reinstate the land to grassland would be excessive if it were to apply to all land affected by the notice. This is for 2 reasons. The first reason is because no development appears to have been carried out in the easternmost part of the land, to the rear of 10 Festival Road. This part has tree cover, no hardstanding, and is beyond the site of the application in Appeal D. The second reason is that the photographic evidence does not show the access track being grassed at any time, consistent with it being routinely used by vehicles going to the sewage works.
64. The appeals on ground (f) succeed to this limited extent and the notice will be varied and the accompanying plan will be annotated accordingly. However, and subject to the clarifying variation noted earlier, the other requirements of the notice are not excessive and the appeals on ground (f) must fail in respect of them.

Appeals A, B and C – the appeals on ground (g)

65. The appellants consider there would be nowhere for them to go if they had to leave the appeal site and seek a longer period of 6 months to cease use of the land. They also seek an additional 6 months to remove all caravans, services, infrastructure and paraphernalia, and restore the land to grassland, i.e. 12 months in total. They indicate that the second 6-month period would be necessary to reach agreement with the Council on restoration of the site.

66. On the second point, and as set out in the appeals on ground (f), the restoration requirements can be made reasonably clear. I see no reason for extended discussion of those terms with the Council.
67. Considering the lack of an up to date 5-year supply of pitches and the difficulty the appellants may therefore experience in finding alternative accommodation, the 3-month period to cease unauthorised use of the land may not be sufficient. The appellants' suggested 6-month period would afford them a reasonable opportunity to secure alternative accommodation. If that were to take the full 6-month period, an additional period would be needed for restoration of the vacated site. A total period of 9 months would therefore be reasonable and the appeal on ground (g) succeeds to this limited extent.

Appeals A, B and C – Conclusions

68. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the notice with corrections and variations.

Appeals A, B and C – Formal Decisions

69. It is directed that the notice is corrected in section 2 by:
- The deletion of “residential occupation” and the substitution of “residential use.”
 - The deletion of “operational development” and the substitution of “operational development comprising the installation of a septic tank and pipework, the construction of a hardstanding on the land, including forming or enlarging a concrete pad, and the erection of fences within the site.”
70. It is further directed that the notice is varied in section 4 by:
- The deletion of “residential occupation” and the substitution of “residential use.”
 - The deletion of “all services, infrastructure and paraphernalia” and the substitution of “the septic tank and pipework, the hardstanding including concrete pad, and fences within the site.”
 - The deletion of “Reinstate the land to grassland” and the substitution of “Reinstate the land to grassland with the exception of the areas approximately between points A and B and to the east of the dotted line adjacent to points C and D annotated on the plan attached to this notice.”
71. It is further directed that the notice is varied in section 5 by the deletion of “3 calendar months” and the substitution of “9 calendar months.”
72. Subject to the corrections and variations, the appeals are dismissed and the notice is upheld.

Appeal D – Formal Decision

73. The appeal is dismissed.

Mark Harbottle

INSPECTOR

Appendix 1
List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/F2605/C/24/3353633	Mr Rhys Clapham
Appeal B	APP/F2605/C/24/3353634	Ms Denise Clapham
Appeal C	APP/F2605/C/24/3353635	Ms Gabrielle Needham
Appeal D	APP/F2605/W/24/3353664	Mr Rhys Clapham

APPEARANCES

FOR THE APPELLANTS:

Stuart Carruthers
Rhys Clapham
Denise Clapham

FOR THE LOCAL PLANNING AUTHORITY:

Nicky Fonseca, Principal Planning Lawyer, Breckland Council
Nicola Ellis, Senior Planner, Breckland Council
Chris Hobson, Principal Planner, Breckland Council
Gary Collins, Senior Enforcement Officer, Breckland Council

INTERESTED PARTIES:

Keith Crudgington, Billingford Parish Council
Victoria Crudgington

Annotated enforcement notice plan

Not to scale

