



Appeal Decisions

Hearing held on 29 January 2025

Site visit made on 29 January 2025

by **Diane Lewis BA(Hons) MCD MA LLM MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 May 2025

Appeal A Ref: APP/V1505/C/24/3348017

Land off Ramsden View Road, Wickford, Essex SS12 0LE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mrs Rebecca Helps against an enforcement notice issued by Basildon Borough Council.
- The notice was issued on 14 June 2024.
- The breach of planning control as alleged in the notice is Without planning permission, the laying of hardcore and associated materials onto the Land forming an area of hardstanding.
- The requirements of the notice are:
 - i. Break up the hardstanding and permanently remove all resultant debris and materials from the land.
 - ii. Return the land to its condition prior to the unauthorised breach by levelling and reseeding to grass.
- The period for compliance with the requirements is: Four (4) months.
- The appeal is proceeding on the grounds set out in section 174(2)(b), (e), (f), (g) of the Town and Country Planning Act 1990 (as amended). The appeal made on ground (a) was withdrawn by the appellant on 27 September 2024 and therefore this ground is not for consideration.

Summary of Decision: The appeal is dismissed and the enforcement notice as varied upheld.

Appeal B Ref: APP/V1505/W/24/3348016

Land off Ramsden View Road, Ramsden View Road, Wickford, Essex SS12 0LE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mrs Rebecca Helps against the decision of Basildon Borough Council.
- The application, Ref is 23/01310/FULL, is dated 20 October 2023.
- The development proposed is the material change of use of land for the stationing of caravans for residential purposes and hardstanding and dayroom ancillary to that use.

Summary of Decision: The appeal is allowed.

APPEAL A REASONS

Appeal on ground (e)

1. To succeed on this ground of appeal the onus is on the appellant to show a copy of the notice was not served as required by section 172 of the Act¹.
2. A copy of an enforcement notice must be served on the owner and on the occupier of the land to which it relates and on any other person having an interest in the land, being an interest which in the opinion of the authority is materially affected by the notice (section 172(2)).

¹ In this Document 'the Act' refers to the Town and Country Planning Act 1990 (as amended).

3. The appellant maintains the Land includes land which the appellant does not own and considers the red line area shown on the plan attached to the notice (the notice plan) should be corrected to reflect the Title Register information in relation to the northern edge of the site. A plan is copied into the appellant's statement, which is said to show the boundary of adjacent land owned by JH and which slightly overlaps with the land shown on the notice plan. The official copy of register of title was not produced.
4. The notice plan outlines in red the Land to which the notice relates. The Council has produced the HM Land Registry official copy of register of title which details the entries on the register of title on 4 September 2024. The owner is identified as VK, who acquired the land on 16 August 2023. The official copy of the title plan corresponds with the land shown on the notice plan. When viewed on the ground the notice plan appeared to correspond with the physical boundaries of the respective parcels of land.
5. The discrepancy identified by the appellant, if there is one, is so slight as to be insignificant. The stated difference is not apparent in comparing the available plans with the notice plan, especially when taking into account the scale of the plans and the thickness of the red lines. To attempt to try and correct the notice plan is unnecessary.
6. The Council served copies of the enforcement notice on the appellant, on VK, on the Owner and on the Occupier. Photographic evidence shows envelopes with copies of the notice posted on the land. Therefore, even if the defined Land on the notice plan includes a slither of land owned by JH by virtue of the thickness of a red line, notice was served on that owner as required by the Act.
7. In conclusion, copies of the notice were served as required by section 172 of the Act. The appeal on ground (e) fails.

Appeal on ground (b)

8. The issue is whether the matters stated in the notice as the breach of planning control have occurred.
9. To recap, the allegation is "the laying of hardcore and associated materials onto the Land forming an area of hardstanding". The appellant's case is that the hardstanding does not cover the full area within the red line and the red line extends further than the site location plan in Appeal B. The hardstanding is not identified and therefore the enforcement notice is vague.
10. An enforcement notice shall state the matters which appear to the local planning authority to constitute the breach of planning control. A notice complies with this requirement if it enables any person on whom a copy of the notice is served to know what those matters are (sections 173(1)(a) and 173(2) of the Act).
11. The appellant does not dispute that as a matter of fact hardstanding was formed on the Land by the laying of hardcore and associated materials. The photographs attached as Appendix A to the notice indicate the operational development. The appeal site visit confirmed the materials are visible on the land, even though as time has elapsed vegetation has grown through the surface. The persons served with a copy of the notice should know what the alleged unauthorised works are.

12. The extent of the red line area on the notice plan has been considered in ground (e). The defined area is consistent with HM Land Registry details and the physical features on site. These reasons indicate the notice plan is correct.
13. The notice plan does not have to be consistent with the site plan submitted with the planning application. The apparent difference is the strip of land immediately north of the application site boundary (where there is a kink in the line of the western boundary). It is for the appellant to ensure they have correctly identified the extent of the land for their proposed development and included the correct certificates regarding ownership in their planning application. The enforcement notice and plan have a different purpose. I am satisfied that the notice specifies the land to which the notice relates and the notice plan reflects the submitted documentary evidence on land ownership.
14. I conclude the enforcement notice complies with the statutory requirements and there is no error, defect or misdescription of the hardstanding that requires correction. The appeal on ground (b) fails.

Appeal on ground (f)

15. A ground (f) appeal relates to whether the steps required to be taken exceed what is necessary to achieve the purpose of the notice. The appellant considers the requirement 'for levelling and reseeding with grass' should be deleted because the site was not grassland before the breach of planning control took place.
16. At the hearing the Council confirmed the purpose of the notice is to remedy the breach. The Act provides for restoring the land to its condition before the breach took place (section 173(4)(a)). Photographic evidence shows the land was covered in vegetation such as bushes, hedges and ground cover, rather than grass. The ecological appraisal, based on a desktop study, came to a similar conclusion and described bramble scrub and native hedgerow.
17. The first requirement, to break up and remove the hardstanding, would remedy the breach by removing the operational development. In this instance to require restoration of the land to its previous vegetated condition would be excessive. The ground (f) appeal succeeds in that the requirements will be varied by the deletion of step (ii) and the levelling of the land will be included in step (i).

Appeal on ground (g)

18. The issue is whether the compliance period of four months is reasonable. The appellant requested a period of six months because the compliance period was expected to be over the winter period when carrying out the remedial works would be difficult.
19. The reason for seeking an extended period no longer applies. The works were carried out quickly, taking days rather than weeks. There is no evidence to show the removal of the hardstanding would involve unduly onerous groundworks, the use of specialist contractors or lengthy pre-planning. The period of four months is reasonable. The appeal on ground (g) fails.

Conclusion

20. For the reasons given above, the appeal should not succeed. The notice will be upheld with a variation to the requirements.

APPEAL B REASONS

Site and proposal

21. The site is located next to a group of dwellings, near the southern end of Ramsden View Road. The land is in the Metropolitan Green Belt.
22. The proposed caravan site would be on the southern part of the land, where the hardstanding referred to in the enforcement notice was formed. The northern half of the site is proposed as amenity space. The development is put forward as a traveller site, where policies and considerations relevant to the provision of traveller sites apply. The stated intention is for the appellant and her family to live there. To support their appeal, an ecological appraisal and an additional landscaping plan was submitted. This plan shows a reduced area of hardstanding and tree and hedge planting on the site boundaries.
23. The application was made after the site had been cleared and the hardstanding laid. In that respect the application is seeking permission retrospectively. However, no caravans were stationed on the land, a position that remained the case when the appeal site visit took place.
24. The appeal site is within the Zone of Influence for the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). On 29 January 2025 the appellant made a proportional financial contribution towards mitigation in accordance with the RAMS. Subject to an Appropriate Assessment, the fourth reason for refusal would be overcome.

Planning policy

25. The development plan for the area is the Basildon District Local Plan, Saved Policies 2007. The reason for refusal cites two saved policies. Policy BAS GB1 defines the boundaries of the Green Belt with reference to the foreseen long-term expansion of the built-up areas. The policy provides no criteria for assessing proposed development in the Green Belt. Policy BAS BE12 sets out criteria for assessing proposals for new residential development. There is no policy specific to traveller sites. The appeal site is within the designated Green Belt. Ramsden View Road also is one of the plotland settlements within the Borough. These settlements have a semi-rural character and are typified by privately maintained roads, varying plot sizes, natural property boundaries and vacant plots².
26. A new Local Plan is under preparation with adoption estimated in summer 2026. The timeframe includes consultation, preparation and examination of the Draft Plan and so the process is not far advanced. The emerging policies are not relied on as they may change during the ongoing process.
27. The National Planning Policy Framework December 2024 (the Framework) sets out the Government's planning policies for England and how these should be applied. This document replaces the previous version published in December 2023 and incorporates changes to policies for assessing proposals affecting the Green Belt. Minor amendments were made to the document in February 2025. Planning Practice Guidance on Green Belt was updated on 27 February 2025 (the PPG).

² Plotland Topic Paper October 2017 paragraph 1.4

28. The Government's Planning policy for traveller sites, amended in December 2024 (the PPTS) should be read in conjunction with the Framework. The PPTS includes a revised definition of "gypsies and travellers" to accord with domestic and European Court judgments. Other revisions to the PPTS reflect the Framework's policy on the Green Belt to ensure policies can apply equally to traveller sites and all those with protected characteristics. An aim is to increase the supply of traveller pitches and to enable the release of Green Belt land in sustainable locations to address unmet need for traveller sites.

Main Issues

29. The Council and the appellant initially considered the proposed traveller site would be inappropriate development in the Green Belt. Following the revisions to national planning policy this matter needs to be revisited. Accordingly, the main issues are:
- Whether the proposal is inappropriate development in the Green Belt, considering whether the proposal would utilise grey belt land, purposes of Green Belt, the need for the development and the sustainability of the location.
 - The effect of the development on the character and appearance of the surrounding area.
 - The effects on biodiversity and on the Essex Coast designated wildlife sites.
 - The effects on the nearest settled community and the well-being of the appellant's family.
30. The planning balance will depend on the conclusion on the first issue. If the proposal is inappropriate development very special circumstances will be necessary to justify the material change of use.
31. Human rights and equality issues will be integral to my decision. Article 8, a Convention Right³, affords a person the right to respect for their private and family life, their home and their correspondence. This qualified right requires a balance between the rights of the individual and the needs of the wider community. There is a positive obligation to facilitate the Gypsy way of life to the extent that the vulnerable position of Gypsies and Travellers as a minority group means some special consideration should be given to their needs and different lifestyle in the regulatory planning framework and in reaching decisions on particular cases. Where the Article 8 rights are those of children, they must be seen in the context of Article 3 of the UNCRC⁴, which requires a child's best interests to be a primary consideration.
32. The public sector equality duty (PSED) in section 149 of the Equality Act 2010 requires that I have due regard to three aims – to eliminate discrimination, advance equality of opportunity and foster good relations. Romany Gypsies and Irish Travellers are ethnic minorities and have the protected characteristic of race under section 149(7). In addition, the representations indicate that existing residents on Ramsden View Road have the protected characteristic of age. The appeal decision must be proportionate to achieving the legitimate planning aims.

³ Article 8 of the European Convention on Human Rights, which was enshrined into UK law by the Human Rights Act 1998.

⁴ United Nations Convention on the Rights of the Child

Green Belt

Whether inappropriate development: grey belt

33. The Framework states in paragraph 155 that the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where all the stated criteria apply. The first criterion concerns grey belt and the purposes of Green Belt.
34. Referring to the definition of grey belt in the Glossary to the Framework, the site is not previously developed land. The next consideration is whether the land contributes strongly to any of the stated Green Belt purposes (a), (b) or (d). The PPG indicates the unit of land for assessment is the proposed development site and sets out considerations to inform judgements on the contribution land makes to Green Belt purposes (a), (b) and (d).
35. The Basildon Green Belt Study 2023, carried out to assist the preparation of the new Local Plan, places the appeal site within parcel CH4. This larger parcel is described as lying in a moderate gap between Wickford, Basildon and a wider gap between Billericay and Wickford, where the intervening urban development at Crays Hill reduces perceived separation. The Study concluded that release of CH4 would result in a high level of harm to Green Belt purposes (a) and (b) and no harm to purpose (d). The systematic and comparative assessment is helpful in identifying the function of land parcel CH4, its degree of distinction from the urban edge and the effects of its release on the gap between the built-up areas.
36. Purpose (a) – to check the unrestricted sprawl of large built-up areas. Wickford is distinct from the large built-up area of Basildon but development that reduces the gap with Cray's Hill would increase Wickford's association with the larger built-up area. Within this wider context, the appeal site is free of lawful development and is within a finger of development that extends into the Green Belt to the west of the town's main built-up area. However, the site is partially enclosed by existing housing and the pocket of development has a well-defined edge to the agricultural land to the west. The contribution to purpose (a) is moderate.
37. Purpose (b) – to prevent neighbouring towns merging onto each other. The site is within the gap between Basildon, Wickford and Billericay, as described in the Green Belt Study. Nevertheless, the site is a very small plot of open land within the gap, adjacent to existing small scale residential development. The site could be developed without the loss of visual separation between these towns and between Wickford and Cray's Hill. The contribution to purpose (b) is moderate.
38. Purpose (d) – to preserve the setting and special character of historic towns. The land around Wickford does not contribute to any distinctive historic character or setting and the site makes no contribution to this purpose.

Conclusions

39. The site does not strongly contribute to Green Belt purposes (a), (b) and (d). The application of policies protecting areas or assets of particular importance, as specified in the Framework, do not provide a strong reason for refusing or restricting development. The development would utilise grey belt land. The development is of a minor scale and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.

Whether inappropriate development: need and sustainability

Need

40. In the statement of common ground the Council and the appellant agree there is a clear unmet need and a lack of a five year supply of Gypsy and Traveller pitches in the Borough. There is no evidence to suggest I should come to a different conclusion. To the contrary, the Gypsy and Traveller Accommodation Assessment October 2024 (the GTAA) identified a potential need for around 300 pitches⁵ for the period 2024-2042, with the highest need falling within the current five year period. Even based on the 2023 PPTS definition used in the GTAA the net pitch need is assessed as 95 pitches for the period 2024-2028. The three pitches granted planning permission subsequent to the study make little difference to the overall supply position. A lack of a five year supply of deliverable traveller sites means this criterion is met.

Sustainable location

41. In assessing this criterion, particular reference must be made to paragraph 13 of the PPTS. This paragraph looks at sustainability across a range of economic, social and environmental factors and does not focus primarily on means of travel, choice of transport modes, suitability and safety of the access or the capacity of the highway network.
42. Local community. The representations indicate many of the residents have lived on Ramsden View Road for a number of years and very little new development has taken place. The local community is stable, with a more elderly population. Many are worried about change and the creation of a precedent, partly because of the past events at Dale Farm, an area which is not too far away. The laying of unauthorised hardstanding to enable further development on the plot has not helped.
43. Nevertheless, the proposal is for a single pitch to provide a family home, a compatible residential land use. The passage of time and communication usually assist acceptance of development. The policy aim of 'peaceful and integrated co-existence' depends on Travellers living in the same area as members of the settled community, so that they can interact and have shared interests. PPTS sees increasing traveller site provision in appropriate locations as a means of reducing tensions. A small one pitch site is proposed, which would be respectful of and not dominate the existing residential development and community. The Council considers a location within a residential area would promote integration.
44. Case law has confirmed that the focus should be on the land use, not future occupiers. The development at issue in this appeal is a residential caravan site for a maximum of two caravans. This use of land would not be expected to inherently produce real concerns for its neighbours, unlike for example 'a bad neighbour' general industrial use with the prospect of noise, vibration, smell, dust, generation of heavy traffic or other detrimental effects. Consideration of the effects of the proposed Traveller site has not identified harmful outcomes on the quality of the living environment for neighbours whether through overlooking, overshadowing or

⁵ The total of 302 pitches comprises 127 pitches for households that met the 2023 PPTS definition, 140 pitches for undetermined households and 35 pitches for households that did not meet the 2023 PPTS definition. The 2024 PPTS has since broadened the definition to include persons with a cultural tradition of nomadism or living in a caravan.

intensity of development. The Framework promotes safe and inclusive places and the proposal would not conflict with that objective.

45. The inherent land use characteristics of the proposed caravan site are consistent with promoting peaceful and integrated co-existence with the local community and the effect on the local community does not weigh against the development.
46. Health, education and travel. The site would provide a stable base, which evidence and experience show enables improved access to health, medical services and schools compared to a roadside existence and unauthorised encampments. Attention was drawn to the primary school at Cray's Hill and the appellant anticipates her children would attend a primary school in Wickford. The closest doctor's surgery and local store are said to be about 1.9 km from the site. Ramsden View Road links directly to the main road network. A settled base is also expected to facilitate employment and travel for work because it would enable the intended occupier, currently in temporary accommodation, to return to a traditional lifestyle using a touring caravan. In contrast, unauthorised encampment typically causes environmental damage and is inefficient use of resources for all involved.
47. Living conditions. The site is of sufficient size to provide play space for children and because of its location on a residential road, away from heavy traffic and commercial development, there are no issues regarding air quality and noise. The proposal would promote the health and well-being of future occupiers.
48. Local infrastructure and services. There are no objections from consultees in relation to the adequacy of roads or drainage but local residents have expressed a lot of concern about increased use of Ramsden View Road and the availability of essential utilities.
49. The site is at the far end of Ramsden View Road, a narrow unmade private road that is in a poor state of repair. No information is available on private maintenance responsibilities. The highway authority has confirmed the road is not an adopted highway and is not publicly maintainable. The highway authority also advised the proposed single home would not be detrimental to highway capacity, safety or efficiency. An objection on highways or access grounds was not a reason for refusal by the local planning authority. Against this background my conclusion is the traffic movements generated by a single additional home would not represent an unacceptable increase in traffic on the local road, bearing in mind the variability in movements that could occur from existing development. Referring to the criterion in Policy BAS BE12, there would be no material harm in terms of traffic danger or congestion.
50. At the hearing there was confirmation mains water is available, although there are water pressure problems. A package treatment plant is proposed for foul drainage, a method that is consistent with existing practice.
51. In conclusion, the development would not place undue pressure on local infrastructure and services and therefore is within the limits of acceptability set by the PPTS.
52. Flood risk. The site is within a low risk flood zone 1 area and is at a higher level than its surroundings, with the land sloping gently down towards the A129. The flood risk is low. According to residents, surface water run off onto the road causes very localised flooding. Therefore, hardstanding on the site should be permeable

and of limited extent to control flow rates and reduce the volume of surface water run-off, a matter which would be appropriate to cover by a planning condition.

53. Mixed use. The proposal is for a residential caravan site and no business use is proposed. This approach is suitable, having regard for the amenity of neighbouring residents. The ability to reduce travel for work journeys is not a significant factor in the sustainability credentials of the site.
54. Mode of travel. Consideration of the various factors set out in paragraph 13 of PPTS indicates the site is in a sustainable location. The location of the site at the southern end of Ramsden View Road and outside the built-up area of Wickford suggest most journeys would be more convenient by car rather than by foot or public transport. Furthermore, the unsurfaced nature of Ramsden View Road would not encourage walking, cycling and use of public transport. The surface would present challenges for young children or pedestrians with mobility impairments, especially because of the distance between the site and the A129 London Road. The unpleasant walk to bus stops along the main road also would be a deterrent to the use of the bus. However, mode of travel as a consideration does not outweigh all the positive factors over the range of social, environmental and economic matters identified in the PPTS.

Summary and Conclusion

55. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Grey Belt across the area of the plan. There is a demonstrable need for a traveller caravan site and the development would be in a sustainable location. The Golden Rules requirements are not applicable to this development. Therefore all the criteria in paragraph 155 of the Framework apply and the development is not regarded as inappropriate. The impact on openness is no longer an issue. Very special circumstances do not have to be demonstrated to allow the development.

Character and appearance

56. Ramsden View Road, within a plotland settlement of the same name, is a ribbon of development that extends southwards from the A129 London Road. At first the residential plots front onto the eastern side of the private road, while at the southern end a small cluster of dwellings marks the extent of development. These two residential areas are separated by an area of open land and woodland. The plotland settlement is within a countryside setting and has a semi-rural character.
57. The appeal site is within the dwelling group at the southern end of the road, having a common boundary with the dwelling to the south and partly opposite the residential property across the road. The site is of limited depth, clearly distinct from the field to the west. The clear separation from the A129 London Road, the woodland cover and vegetation and the extensive views across open countryside reduce the association of this part of the plotland settlement to the built-up area. The vegetation that used to exist on the site would have added to the soft landscaped setting. Representations indicated residents valued the contribution of the natural space.
58. The site is a generously sized plot. The site layout plan indicates the caravans, dayroom and parking would be on that part of the site nearest the adjacent dwelling, which would help in keeping the cluster of buildings compact. The

proposed mobile home and small single storey dayroom would be in keeping with the bungalows and chalet bungalows, the typical dwelling types seen along the road. The proposed landscaping shown on plan is focused on the boundaries to the southern part of the site, leaving the treatment of the northern part of the site uncertain. Clarification could be secured through a planning condition by requiring a landscaping scheme as part of an overall site development scheme.

59. To conclude, harm to local character comes from the loss of green space and the introduction of too much hardstanding. The residential use is compatible with development on Ramsden View Road and there is an opportunity to minimise harm by a considered site development scheme, including landscaping.

Biodiversity

60. The clearance of vegetation from the site has made establishing the baseline habitat challenging. The ecological appraisal suggests bramble scrub dominated the site, which would have been a habitat of low ecological value and one that is found everywhere. Native hedgerows are likely to have been a priority habitat and the report recommends species-rich replacement planting. Conclusions on the impacts on species was more difficult, although site clearance had the potential to impact on nesting habitat for birds, bat foraging and hedgehogs.
61. Planning conditions are proposed to achieve soft landscaping and biodiversity gain to enhance the environment and to ensure any external lighting and boundary treatments are sensitive to wildlife and the semi-rural setting. In view of the probable loss of native hedgerows, securing suitable replacement planting would be essential.

Essex Coast designated wildlife sites

62. The Essex coastline has an extensive complex of estuaries and intertidal sand and silt flats, including several islands, shingle and shell beaches and extensive areas of saltmarsh. The area is of great importance for birds and their habitats and a large proportion of the Essex coastline is covered by international and national designations. A key purpose of these designations is to protect breeding and non-breeding birds (including waterfowl, wildfowl and waders; migratory species) and coastal habitats. Recreational disturbance from a variety of recreational pursuits has been identified as an issue for all of the Essex coastal Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar sites. Survey evidence suggests the majority of this recreational activity is undertaken by people who live in Essex.
63. The local authorities in conjunction with Natural England have prepared a strategic approach to mitigation. The aim of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) is to support sustainable residential growth in Essex while protecting designated sites and their wildlife from the increased disturbance from recreation associated with a growth in population. Components of the strategy cover education and communication, managing access, habitat-based measures, monitoring and review. RAMS enables the conclusion of no adverse effect on the integrity of the international designated sites regarding in combination recreational effects.
64. In Basildon RAMS is delivered through the provisions of a Supplementary Planning Document May 2020 (the SPD). The document shows the defined Zones

of Influence for the Essex Coast European designated sites. The appeal site is within the overall Zone of Influence (Zol) and the Blackwater Estuary SPA and Ramsar site Zol.

65. The proposed use of the appeal site as a caravan site is within the scope of the Essex Coast RAMS as it falls within the Zol for likely impacts, it is a relevant residential type and would lead to a net gain in dwellings. Such development in this area is 'likely to have a significant effect' on the interest features of the designated sites through recreational pressure when considered either alone or in combination with other plans and projects. An appropriate assessment is required to determine whether the proposal would have an adverse effect on the integrity of the site, alone or in combination with other plans or projects.
66. The caravan site would be a new home in the area and result in additional residential population. Residents may be expected to visit the Essex Coast for recreational purposes all year round. The visitor surveys undertaken show the unique attraction that these sites have for visitors and the experience that they offer cannot be replicated. On its own the project may not have an adverse effect but it is the cumulative effect of the development of the site along with many residential developments that is of particular concern by reason of the planned housing and associated population growth within the strategy area. Applying the precautionary principle, I cannot be certain the integrity of the designated sites will not be adversely affected by the proposal in combination with other plans and projects.
67. The appellant has made a financial contribution towards the strategic mitigation being delivered through RAMS. The contribution is the current tariff set for each additional dwelling and therefore is proportionate. No additional bespoke mitigation is necessary for this additional residential unit because the site is not located very close to the boundary of the Blackwater Estuary SPA and Ramsar site and it is not a major residential development. The strategic and co-ordinated approach delivered through RAMS ensures a robust strategy to avoid and successfully mitigate impacts.
68. Natural England has confirmed that in the context of a small site in this location, a proportionate financial contribution towards the Essex Coast RAMS would be sufficient to mitigate its "in-combination" impacts and that the payment already made adequately secures the deliverability of the measures⁶.
69. Conclusion. The development would not have an adverse effect on the integrity of the designated sites now that the necessary mitigation has been secured in accordance with the Essex Coast RAMS. Having made an appropriate assessment of the implications of the proposal in view of conservation objectives for the designated sites, and having consulted Natural England and fully considered any representation received, as the competent authority I may agree to the project under regulation 63 of the Conservation of Habitats and Species Regulations 2017.

Well-being

70. The appellant is not a Traveller but her partner, Mr Tollady, is. They have four children and have been living in temporary accommodation for several years. This

⁶ Consultation response dated 2 May 2025

has interfered with their hope of following a traveller lifestyle, including travelling for work and having a caravan as their home. Their health has suffered. These circumstances are similar to those experienced by other Traveller families who do not have their own pitch and who may be living on the roadside, doubling up on sites or living in culturally inappropriate accommodation. The proposal would provide an additional pitch in an area which has a relatively high need and constraints on supply. The best interests of the children would be served by the provision of a permanent home with a good standard of living accommodation in a safe environment close to essential community services. The site offers to fulfil such requirements.

Other Matters

71. I have considered matters the appellant identified that in their view weighed in favour of the development. More specifically, the pressing need for traveller sites and the lack of a five year supply have been accounted for in the Green Belt assessment. The development plan for the Borough is out of date in providing for Gypsy and Traveller sites and there has been a policy failure in this respect. Much of the Borough outside of the main settlements is within the Green Belt, which has made finding suitable traveller sites difficult. Currently there is not an alternative pitch available to the appellant and for some time the family has been living in temporary hotel accommodation.

Planning Conditions

72. The Framework states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning Practice Guidance confirms when used properly, conditions can enhance the quality of development and enable development to proceed by mitigating the adverse effects, where it would otherwise have been necessary to refuse planning permission. The list of proposed conditions, which was discussed at the hearing, has been considered within this context.
73. The development was started by the laying of the hardstanding on the site and so the standard condition requiring commencement within three years is not necessary. The occupation of the site should be restricted to Gypsies and Travellers because the need for such sites in the Borough is an important consideration in the planning balance. Control on the number and type of caravans would be necessary to safeguard the plotland character of the site in a Green Belt location and the living conditions of neighbours.
74. A condition would confirm the approved plans that show details of the development to be carried out. The submitted location plan defines the site area. The plans of the day room show a small building, subservient to the mobile home and respectful of the local character. The details shown on the proposed block plan would not be approved as they require further consideration as part of an overall site development scheme.
75. Certain details are outstanding, a matter which may be covered appropriately through a site development scheme. The details requiring approval are of site drainage, external lighting, hard and soft landscaping. These matters are important to ensure the appearance of the development is in keeping with the semi-rural setting, the effects on the amenity of neighbouring residents are acceptable and

site drainage adequately takes account of the local service infrastructure. In addition to a landscape scheme, a biodiversity enhancement scheme is necessary, directed specifically at habitat mitigation and effects on species. There is a statutory duty to conserve and enhance biodiversity and the site clearance probably had an adverse effect on the site's natural assets. All these matters should be approved before caravans are brought onto the site for residential use.

76. The proposal is for a residential use, compatible with the adjacent small group of residential properties. The proposed conditions to preclude business activities and limit the size of vehicles parked on the site would be necessary to protect the living conditions of neighbouring residents and the quiet character of this part of Ramsden View Road. They also recognise the constraints of the means of access. The same reasons apply to the condition on disposal of materials.
77. The condition on removing permitted development rights is not justified or precise, bearing in mind the development would not benefit from permitted development rights that apply to the curtilage of a dwelling house. Dust from this small scale development is unlikely to be at such a level as to require a dust suppression scheme, bearing in mind the primary living unit would not be built on site.

Conclusions

78. Starting with the development plan, the proposal is in the designated Green Belt but there are no relevant development management policies to apply. Policy BAS BE12 does not direct the proposal should be refused planning permission, once the role of planning conditions has been taken into consideration. On this limited basis the development is in accordance with the development plan.
79. The Council is unable to demonstrate an up-to-date 5 year supply of deliverable traveller sites and so the presumption in favour of sustainable development, as set out in paragraph 11(d) of the Framework applies. The proposal is not inappropriate development in the Green Belt. The caravan site would result in a small loss of green space in the plotland settlement and clearance of the site caused a loss of habitat. An increase in residential population would, if unmitigated, have an adverse, in combination effect on the integrity of internationally important habitats and species. However, the use of planning conditions, as advised in the PPTS, and the contribution to RAMS in compliance with the SPD provide the means to make the development acceptable. The proposal also contributes to the social objective to increase the number of Traveller sites in appropriate locations to address under provision and maintain a level of supply.
80. These considerations lead to a conclusion that any adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Policy H of PPTS also supports a grant of permission.
81. For the reasons given above the appeal should be allowed and planning permission will be granted, subject to the conditions considered above.
82. With reference to section 180(1) of the 1990 Act, the enforcement notice in Appeal A will cease to have effect insofar as it is inconsistent with the planning permission.

DECISIONS

Appeal A Ref: APP/V1505/C/24/3348017

83. It is directed that the enforcement notice is varied in paragraph 5 by the deletion of requirements (i) and (ii) and the substitution of a single requirement: Break up the hardstanding, remove all resultant debris and materials from the Land and level the land where the hardstanding was formed.
84. Subject to the variation, the appeal is dismissed and the enforcement notice is upheld.

Appeal B Ref: APP/V1505/W/24/3348016

85. The appeal is allowed and planning permission is granted for the material change of use of land to use for the stationing of caravans for residential purposes and with hardstanding and dayroom ancillary to that use at Land off Ramsden View Road, Wickford SS12 0LE in accordance with the terms of the application, Ref 23/01310/FULL, subject to the conditions in the attached Schedule.

Diane Lewis

Inspector

APPEARANCES

FOR THE APPELLANT:

George Whitehouse, Green Planning Studio Limited
Thomas Tollady

FOR THE LOCAL PLANNING AUTHORITY:

Katie Ellis, Principal Planner
Joe Finn, Senior Planner Enforcement
Ian Cummings, Team Leader Planning Enforcement

INTERESTED PARTIES:

Councillor Alan Ball, Ward Member
John Pascoe
Phillip Bayley
Georgia Seaman
George Seaman

DOCUMENTS submitted at the hearing

Signed statement of common ground
Confirmation of payment of contribution to Essex Coast RAMS
Green Belt Assessment parcel CH4
Amended Witness Statement

APPEAL Ref: APP/V1505/W/24/3348016

SCHEDULE OF PLANNING CONDITIONS

- 1) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 2) No more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than one shall be a static caravan) shall be stationed on the site at any time.
- 3) The development hereby permitted shall be carried out in accordance with drawing nos. 23_1284-001 (location plan) and 23_1284-005 (proposed green belt day room plan and elevations).
- 4) No caravans shall be stationed on the land until a site development scheme (hereinafter referred to as the scheme) has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the internal layout of the site, including the siting of caravans and the dayroom and the extent of hardstanding; hard and soft landscaping including details of species, plant sizes, proposed numbers and densities, together with boundary treatments and a schedule of maintenance for five years; proposed external lighting on the boundary of and within the site; the means of foul and surface water drainage of the site; a timetable for implementation of the scheme. The approved scheme shall be carried out in accordance with the approved timetable and shall thereafter be retained and maintained.
- 5) No caravans shall be stationed on the land until a Biodiversity Enhancement Scheme has been submitted to and approved in writing by the local planning authority. The biodiversity scheme shall include details of designs and/or product descriptions of proposed enhancements and their location on the site and a timetable for implementation. The enhancement measures shall be implemented in accordance with the approved details and timescale.
- 6) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
- 7) No commercial, industrial, business or storage activities shall take place on the land.
- 8) No materials produced as a result of site development or clearance shall be burned on the site.

End of Schedule