
Appeal Decisions

Hearing held on 25 June 2025

Site visit made on 25 June 2025

by Paul Dignan MSc PhD

an Inspector appointed by the Secretary of State

Decision date: 23 July 2025

Appeal A Ref: APP/P0240/C/22/3312021

Land to the Rear of plot 15, Site C, The Stables, Stanbridge Road, Great Billington, Leighton Buzzard, LU7 9JH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Patrick Doherty against an enforcement notice issued by Central Bedfordshire Council.
 - The notice was issued on 2 November 2022.
 - The breach of planning control as alleged in the notice is Without planning permission unauthorised siting and occupation of caravans for residential use and associated development.
 - The requirements of the notice are: 1) The cessation of the use of the Land as a Gypsy and Traveller site; and 2) Remove the caravans and any other items associated (metal utility container and metal contain for horses/stable) with the use of the land as a Gypsy and Traveller site from the Land.
 - The period for compliance with the requirements is 4 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Appeal B Ref: APP/P0240/C/22/3312049

Land to the Rear of plot 15, Site C, The Stables, Stanbridge Road, Great Billington, Leighton Buzzard, LU7 9JH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Patrick Doherty against an enforcement notice issued by Central Bedfordshire Council.
 - The notice was issued on 2 November 2022.
 - The breach of planning control as alleged in the notice is Without planning permission, the creation of an area of hardstanding and building a fence on the Land.
 - The requirements of the notice are: Remove the hardstanding and fence and return the land to its former use prior to when the unauthorised development occurred.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (e), (f), (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decisions

Appeal A

1. It is directed that the enforcement notice is varied by the deletion of requirements 1) and 2) and their replacement by “1) Cease the use of the Land for the siting and occupation of caravans for residential use; and 2) Remove the caravans and any other items associated (metal utility container and metal container for horses/stable) with the use of the land for the siting and occupation of caravans for

residential use”, and by the substitution of the plan annexed to this decision for the plan attached to the enforcement notice.

2. Subject to the variations, the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the siting and occupation of caravans for residential use at Land to the Rear of plot 15, Site C, The Stables, Stanbridge Road, Great Billington, Leighton Buzzard, LU7 9JH, as shown on the Enforcement Notice plan and subject to the conditions set out in the Schedule of Conditions attached to this decision.

Appeal B

3. It is directed that the enforcement notice is corrected by the deletion in section 3 of the words “and building a fence”, and varied by the deletion of the requirement and its replacement by “Remove the hardstanding from the Land and restore the Land to its condition before the breach of planning control took place”, and by the substitution of the plan annexed to this decision for the plan attached to the enforcement notice.
4. Subject to the correction and variations, the enforcement notice is quashed.

Preliminary Matters

The Notices

5. The notices require amendment. The requirements in the Appeal A notice do not fully reflect the description of the breach of planning control. Both parties agreed that they should, hence I can correct the notice without injustice. It is agreed also that the red line on the enforcement notice plan depicting the Land should be amended so as to exclude the access roads to other plots. The Appeal B notice allegation includes the erection of a fence. The Council requested that this be deleted since it has no objection to it. Again, this can be done without injustice, and I have also removed reference to it in the requirements. I have deleted the requirement to return the land to its former use since a notice cannot require that a particular use is actively carried out.

Appellant’s standing

6. Section 174(1) of the Act provides that ‘a person having an interest in the land’ to which an enforcement notice relates or a ‘relevant occupier’ may appeal against the notice. An ‘interest in the land’ means a legal or equitable interest. The appellant claims to be the owner of the land, but it is not registered in his name, for reasons which he explained at the hearing. However, a Statutory Declaration has subsequently been provided in which the registered owner states that she disposed of her interest in the land more than 10 years ago and that it was purchased by Edward Doherty on behalf of his son, the appellant. I am aware that transactions within the Gypsy and Traveller community are often relatively informal, and that land ownership changes are often slow to be registered in the Land Registry. On the evidence before me I am satisfied, on the balance of probabilities, that the appellant has an interest in the land sufficient to enable him to make a valid appeal, and I have proceeded on that basis.

Appeal A

Reasons

7. The appeal site comprises about 0.37 hectares. It is part of a larger block of land that has been sub-divided into numerous plots, some of which are authorised traveller sites. Other plots have been the subject of enforcement action against unauthorised changes of use to traveller sites or related breaches of planning control. The wider block has a complex planning and enforcement history. As a result it is a patchwork of lawful traveller sites and vacant plots. The appeal site adjoins and shares an access with lawful sites to the south. It was the subject of a recent dismissed appeal¹ against the refusal of planning permission for a traveller site and remains subject to an enforcement notice issued in 2004. The land is in the countryside approximately 700 m from the village of Great Billington and is part of the South Bedfordshire Green Belt.
8. The ground (a) appeal and accompanying deemed planning application seeks permission to change the use of the land to use for 3 traveller pitches.
9. The reasons for issuing the enforcement notice were that the matters alleged comprised inappropriate development in the Green Belt, causing harm to openness and visual harm to the character and appearance of the Green Belt, along with encroachment on the countryside and potential effects on the integrity of the Chiltern Beechwood SAC. Following changes to national policy after the issue of the notice, and subject to the provision of appropriate mitigation for the effect of introducing new residential development within the zone of influence of the SAC, the Council no longer consider the development to be inappropriate development in the Green Belt, for the following reasons. In December 2024 the National Planning Policy Framework (NPPF) introduced the concept of Grey Belt, which at its core is Green Belt land that does not strongly contribute to 3 of the 5 Green Belt purposes. Development on Grey Belt land that satisfies the criteria in NPPF paragraph 155 is considered to be not inappropriate development for Green Belt purposes, which alters the planning balance.
10. It is not disputed that the appeal site satisfies the core definition of Grey Belt, as set out in the NPPF Glossary. It does not contribute strongly to the relevant Green Belt purposes. There are: a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; and d) to preserve the setting and special character of historic towns. Grey Belt excludes land where the application of the policies relating to the areas or assets in footnote 7 of the NPPF (other than Green Belt) would provide a strong reason for refusing or restricting development.
11. Of relevance in this respect is the potential effect of the development on the SAC. Without appropriate mitigation Natural England (NE) has advised of risk to the integrity of the SAC, particularly Ashridge Commons and Woods Site of Special Scientific Interest (SSSI) which forms part of the SAC, of new residential development within the zone of influence of the SAC due to recreational pressures. A Mitigation Strategy² (MS) has been adopted by the Council to avoid harmful effects on the SAC caused by additional residential development.

¹ APP/P0240/W/20/3244489

² Chilterns Beechwoods Special Area of Conservation Mitigation Strategy for Ashridge Commons and Woods Site of Special Scientific Interest

Residential development includes Gypsy and Traveller Pitches, whether temporary or permanent. The MS sets out a scheme of financial contributions towards a Strategic Access Management and Monitoring Strategy (SAMB) which are on-site mitigation measures and the provision of Suitable Alternative Natural Green Space (SANG). These are strategic mitigation measures to enable it to be ascertained that the development would not adversely affect the integrity of the SAC, so that its conservation status would be maintained. The appellant has submitted an executed Unilateral Undertaking (UU) which secures the financial contributions towards the SAMB and SANG as set out in the MS, hence it can be concluded that the development alone or in combination with other plans or projects will not affect the integrity of the SAC. The land can therefore be regarded as Grey Belt for NPPF purposes.

12. NPPF paragraph 155 provides that development on Grey Belt land in the Green Belt should not be regarded as inappropriate where it would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan, there is a demonstrable unmet need for the type of development proposed, and the development would be in a sustainable location. All three criteria are met in this case. So far as the need for the development proposed is concerned, the Council does not currently have a 5-year supply of deliverable traveller sites, hence in accordance with NPPF footnote 56 there is a demonstrable need for the development. The sustainability of the location refers particularly to NPPF paragraphs 110 and 115, and for traveller site provision to Planning Policy for Traveller Sites (PPTS) paragraph 13. There is no dispute that the development location complies with those policies.
13. It follows therefore that the development is not inappropriate development in the Green Belt, so that very special circumstances do not need to exist before planning permission can be granted. The key development plan policy therefore is Central Bedfordshire Local Plan 2015 – 2035 (LP) Policy H7, a criteria based policy for assessing planning applications for Gypsy and Traveller sites. Among other things the scale of the site must not dominate the nearest settled community or place undue pressure on local infrastructure, considered alone or in combination with other nearby traveller sites, not detrimentally affect the wider landscape, provide a good standard of amenity for existing and future occupiers, and have reasonable access to facilities.
14. Of these, the Council considers all are met apart from criterion 2, the effect on the wider landscape. The landscape character is part of the Eaton Bray Clay Vale, which is a large scale predominantly agricultural landscape with a low-lying flat landform providing distant views. However, the site is well contained by vegetation and has negligible visibility from the passing highway. In landscape terms it would be seen in close association with the other traveller site development in the block, along with other large developments sited along Stanbridge Road including a vehicle breakers yard and a haulage centre both opposite. In my view it would not cause harm to the wider landscape or indeed the character of the area. There is ample space to accommodate the scale of development proposed, and an appropriate layout and drainage can be secured by condition. I am satisfied therefore that it complies with LP Policy H7.
15. In summary, the Council's reasons for issuing the notice are no longer sustained. In view of the absence of identified planning policy conflicts I consider that the development enforced against complies with the development plan, but in any

case the lack of a 5-year supply of deliverable traveller sites means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The benefits of providing 3 traveller pitches are substantial given the demonstrable need, and no adverse impacts have been identified. It follows that a grant of planning permission is warranted.

16. In view of the planning policy context it is necessary to restrict the occupation of the site to those who meet the PPTS definition. In view of the retrospective nature of the development I shall also require the submission of a Site Development Scheme (SDS) requiring the provision of details of internal layout, foul and surface water drainage, boundary treatment and landscaping, including biodiversity enhancements, in the interests of local character and the living conditions of the occupiers. For those reasons I shall also limit the number of caravans permitted, preclude the use of the site for commercial purposes and limit the size of vehicles that can be parked or stored. The approved SDS should be maintained for the duration of the development, hence I consider it reasonable and necessary to remove certain permitted development right, in the interests of clarity and good planning. I have made some modifications to the proposed conditions for clarity and to properly reflect the site conditions.
17. The appeal on ground (a) succeeds and planning permission is granted on the deemed planning application. The enforcement notice will therefore be quashed and the appeal on ground (g) does not fall to be considered.

Appeal B

18. As corrected, this appeal is solely concerned with the hardstanding on the site. It appears that this hardstanding, repairs and supplementation aside, is that present when enforcement action was taken in 2004, as the first reason given for issuing the notice indicates. If that is so then a new enforcement notice is not an appropriate way to seek compliance with an extant notice. Further, although no appeal has been made on ground (d), it is quite clear that it is too late to take enforcement action, by reference to section 171B of the Act, notwithstanding that the hardstanding is not lawful in terms of section 191(2) of the Act.
19. In the circumstances I consider that the notice, as corrected and varied, is invalid and should be quashed.

Paul Dignan

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Phillip Brown	Planning Consultant
Patrick Doherty	Appellant
Michael Quilligan	Occupant
Michael Quilligan Jnr	Occupant

FOR THE LOCAL PLANNING AUTHORITY:

Phillip Hughes	Planning Consultant
Helen Heanes	CBC
David Hale	CBC

DOCUMENTS SUBMITTED AFTER THE HEARING

1. Signed s106 Unilateral Undertaking
2. Statutory Declaration by Lynda Fellows (previous owner)

APPEAL A: APP/P0240/C/22/3312021

SCHEDULE OF 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 6 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 3 shall be static caravans) shall be stationed on the site at any time, and there shall be no more than three pitches on the site, each with no more than two caravans of which no more than one shall be a static caravan.
3. The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 4 months of the date of this decision a Site Development Scheme (hereafter referred to as the "SDS") shall have been submitted for the written approval of the local planning authority. The SDS shall include a timetable for its implementation and shall include the following details:
 - a) the internal layout of the site including the extent of the residential pitches, amenity space, the location of the caravans (reflective of actual scale), vehicle parking, vehicle turning areas, vehicle charging points/cabling, utility connections, siting of CCTV and the siting of any proposed buildings;
 - b) a detailed surface water drainage scheme, to manage surface water for up to and including the 1 in 100-year event (+40%CC), the scheme shall be based on DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2018);
 - include a simple investigation evidencing flood risk will not be increased for existing properties and the safety of the proposed development;
 - include volume for volume mitigation, if required, for flood water as a minimum, for all above ground construction;
 - not include the culverting of existing watercourses;
 - include a full set of calculations, providing evidence of all surface water retained on site for the 1 in 100 (+40%CC). Any exceedance should be shown with pathways with maximum depths and velocity;
 - include full detailed drainage drawing showing all connections, control features, storage, inverts etc; and
 - include full detailed design of Land Drainage Consent under the Land Drainage Act 1991 for any proposed discharge of surface water to an existing watercourse/ditch.

- c) a detailed foul drainage assessment and scheme which shall;
- include a full detailed foul drainage drawing showing all connections, controls and storage, as well as details of any collection or discharge/release arrangements;
 - include a connection to the public foul sewer unless it is demonstrated to the satisfaction of the Local Planning Authority that it is not reasonable to connect to the public sewer;
 - where a connection to the public foul sewer is not reasonable the scheme shall include a statement considering the following hierarchy of non-mains alternative solutions:
 - package sewage treatment plants (which may be offered to the sewerage undertaker for adoption);
 - septic tanks; and
 - cesspool(s)
 - include a completed FDA1 form, or equivalent information;
 - if considered necessary by the Local Planning Authority details shall be submitted to demonstrate how the requirement of Building Regulations Approved Document H will be met; and
 - details of the management and maintenance arrangements for the foul drainage system.
- d) a biodiversity enhancement strategy and landscaping scheme to include all hard and soft landscaping and a scheme for landscape maintenance for a period of 30 years, the scheme shall include:
- the removal of existing hardstanding, unless it can be shown that it is free from contamination, is in full accordance with the surface water drainage scheme for the site, and is consistent with the approved layout plan;
 - scaled plans detailing the location of any replacement hardstanding and details of the materials with construction specification for all hardstanding (which shall be in full accordance with the surface water drainage scheme for the site)
 - details of all boundary treatments and all other means of enclosure, which shall be more sympathetic in design for the location;
 - the retention of any existing trees and hedgerows;
 - a comprehensive planting scheme with screen planting including details of species, plant sizes and proposed numbers and densities (plant species shall visually screen the site, respect the landscape context of the site and contribute towards ecological enhancements); and a comprehensive biodiversity enhancement scheme, which shall detail the location and design of species specific enhancement measures, purpose and conservation objectives for any measures and a scheme for the maintenance and monitoring of the measures for a period of 30 years identifying persons responsible for implementing, monitoring and maintaining the scheme.
- ii) If within 11 months of the date of this decision the local planning authority refuse to approve the SDS or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

- iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable. Upon implementation of the approved SDS specified in this condition, the matters approved and implemented shall thereafter be maintained/ retained/remain in use.

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

- 4. Notwithstanding the provisions of Part 2 (Minor Operations) or Part 5 (Caravan Sites) of schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking or re-enacting that Order no walls, gates, fences or any other means of enclosure or any amenity or storage buildings or other structures shall be erected on the appeal site other than in accordance with the SDS approved in accordance with condition 3.
- 5. No vehicles exceeding 3.5 tons in weight shall be kept on the site.
- 6. No commercial activities shall take place on the land, including the storage of materials.



This is the plan referred to in my decision dated: 23 July 2025

by Paul Dignan MSc PhD

Appeals APP/P0240/C/22/3312021& 3312049

**Land to the Rear of plot 15, Site C, The Stables, Stanbridge Road,
Great Billington, Leighton Buzzard, LU7 9JH**

