Planning Inspectorate

Appeal Decisions

Hearing held on 15 and 16 July 2025

Site visit made on 16 July 2025

by R Merrett BSc(Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2025

Appeal A Ref: APP/U2750/C/25/3360459
Appeal B Ref: APP/U2750/C/25/3360460
Appeal C Ref: APP/U2750/C/25/3360466
Land at Bridge House, Oxmoor Lane, Biggin, LS25 6HJ

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeals are made by Mr and Mrs Matthew Stevenson, Bridge Park Yorkshire Limited (Appeal A), Mrs Carole Smith, Bridge Park Yorkshire Limited (Appeal B) and Mrs Carole Stevenson, Bridge Park Yorkshire Limited (Appeal C) against an enforcement notice issued by North Yorkshire Council.
- The notice was issued on 18 December 2024.
- The breach of planning control as alleged in the notice is The unauthorised change of use of the Land to a mixed use for holiday and residential use, and development including the laying of hardstanding and the erection of lampposts.
- The requirements of the notice are to Step 1 Cease the use of the Land as a holiday and residential caravan site; Step 2 Cease the use of the Land for the stationing of caravans, vehicles and other paraphernalia associated with the holiday and residential use; Step 3 Permanently remove from the Land all caravans, amenity buildings, dog kennels, vehicles and other paraphernalia associated with the holiday and residential use, hardstanding, lampposts and the provision of electric and sewerage for human habitation; Step 4 Return the Land to its previous condition of agricultural Land; Step 5 Remove from the land all materials and debris arising from compliance with the above requirements (steps 1 – 4).
- The periods for compliance with the requirements are Steps 1 to 4: 6 months and Step 5: 8 months.
- The appeals are proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).

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

Appeal D Ref: APP/U2750/W/25/3361997
Bridge House, Oxmoor Lane, Biggin, Selby, LS25 6HJ

- 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 Mr M Stevenson against the decision of North Yorkshire Council.
- The application Ref is ZG2024/1067/FULM.
- The development proposed is full planning application for the change of use of land to a mixed use transit traveller site and ancillary tourism.

Summary of Decision: The appeal is dismissed.

Preliminary Matters

Relationship between planning application site and enforcement notice site

1. The planning application site consists of a large, irregular shaped area in an open rural location. The site, which gradually tapers southwards, adjoins and is accessed from Oxmoor Lane, along its the eastern boundary. There is a permanent dwelling and some other buildings situated immediately adjacent, or

close, to the northern boundary of the site with Bridge Farm. A substantial part of the site comprises hardstanding and is being utilised for the stationing of caravans for residential purposes.

2. The enforcement notice site boundary, as amended, is contained within the planning application site boundary. It essentially includes the area where the residential caravans are stationed, but excludes the buildings and dwelling in the northern most portion of the planning application site. The modest amendment to the site boundary, shown in the notice, is essentially in the interests of clarity and is not controversial.

Status of Planning permission 2020/1205/COU

3. The Council previously granted planning permission, subject to various conditions, for a holiday touring caravan site on the land subject to the current appeals[1]. This included permission for a maximum of 16 touring caravans and supporting infrastructure. The main parties disagree as to whether that permission, which I shall refer to as the ‘2023 permission’, remains extant.

4. The lawfulness or otherwise of the 2023 permission is significant, because in the event that planning permission is not granted for the present proposal, it will influence how the requirements of the enforcement notice should be worded in order to remedy the breach of planning control.

5. It is possible for a planning permission to lapse where development is begun in breach of a so-called ‘condition precedent’. Such conditions firstly prohibit the commencement of development, until a particular requirement has been met, and secondly have such significance that they go to the heart of the permission, as a matter of judgment.

6. With regard to the 2023 planning permission, only two of the conditions were worded to prohibit the commencement of development before certain requirements were met. These were conditions 6 and 7 which respectively required details of a construction management plan and surface water drainage to be submitted and agreed. However, it appears the details in relation to both were submitted to and discharged by the Council. In any event I am not persuaded that the matters covered by these conditions were of such fundamental importance to the scheme, that any failure to discharge prior to development being commenced, can be said to go to the heart of the permission. Therefore, setting aside the question of whether the requirements of any conditions have been breached in substance, there has not been a breach of the condition precedent principle.

7. The Council’s case is that various conditions were breached, including in relation to landscaping, vehicular access and external lighting. They say that, considered in the round, the degree of deviation from approved details means that the 2023 permission has not been implemented.

8. The landscaping condition required, amongst other things, the retention of existing trees on the site. There is no dispute that tree removal has occurred on the site, which was shown on the approved plan as to be retained. In my judgment, there has been significant tree removal, in breach of condition, the significance of which in visual and practical terms, I consider later in my decision.

[1] Decision 2020/1205/COU – Planning permission granted 21 July 2023.

9. Although, in my view, this does amount to a serious breach, the wording of the condition contemplates the need for replacement planting in the event of unauthorised removal and I am mindful the Council has discrete enforcement powers to tackle and remedy breaches of condition. In this context, and from the evidence before me, I am not persuaded that any breaches of planning control that have occurred in relation to the 2023 permission have been sufficient to render that permission no longer extant. Reference to Google aerial photographic imagery shows the site to be laid out to accommodate touring caravans in accordance with the 2023 permission. I conclude, on the balance of probability, that the 2023 permission was implemented and remains lawful, albeit there have been breaches of condition associated with that permission.

10. I am mindful that s57(4) of the 1990 Act provides that where an enforcement notice has been issued in respect of any development of land, planning permission is not required for its use for the purpose for which it could lawfully have been used if that development had not been carried out. In other words, it would be possible to revert to the development permitted by the 2023 permission, in the event that the current enforcement notice is upheld and the planning application fails.

Enforcement Notice allegation and requirements

11. The enforcement notice alleges a material change of use to a mixed use for holiday and residential use. This connotes two separate primary uses taking place. However, the Caravan Sites and Control of Development Act 1960 provides the legal definition of a ‘caravan’, which refers to a structure designed or adapted for human habitation, and to a ‘caravan site’ which means land on which a caravan is stationed for the purposes of human habitation. The Act itself, does not distinguish that residential use in terms of the nature of occupation (for example by gypsies or holiday-makers), permanence or duration of occupation.

12. It therefore seems to me that the touring caravan site, previously granted planning permission, was itself a residential use of land, albeit restricted by condition for holiday occupation purposes. This enforcement case is, amongst other things, concerned with an increase in the number of caravans stationed on the site for residential use. I therefore consider the alleged breach of planning control should refer to an intensification of the stationing of caravans for residential use rather than change to a mixed use.

13. I am satisfied the appellant has had the opportunity to present their case in this regard, and to argue it fully in the course of these appeal proceedings. The notice may therefore be corrected accordingly, in terms of the allegation and requirements, without risk of injustice.

14. The appellant suggested in their response to my Pre-Hearing note, that the description of the alleged breach in the notice ought to follow the description given in the planning application, namely a ‘mixed use traveller site and ancillary tourism’. They say the Courts have recognised that use of a residential caravan site by travelling showpeople was capable of being a material change of use[2]. However, in that line of case law it was found that travelling showpeople have their own particular planning needs and there is a distinction between the use of the

[2] *Winchester CC v SSCLG* [2013] EWHC 101 (Admin), [2015] EWCA Civ 563

land for travelling showpeople and its use as a residential caravan site[3]. I am not persuaded that occupation as a gypsy and traveller site may be so distinguished.

15. On a separate point, the requirement listed at Step 2 of the notice, essentially repeats the requirement listed at Step 1 and / or the wording is superfluous. It should therefore be deleted.

Proposed omission of the word 'transit' from development description

16. The appellant's primary position is now that planning permission should be granted for a permanent, rather than just transit, site for gypsies and travellers. Accordingly, they propose the word 'transit' be omitted from the planning application development description. The proposal for a small number of the pitches to be able to also accommodate touring caravans for holiday related occupation is maintained. The Council considers the proposed permanent residential occupation would be more than a minor amendment and would prejudice consideration of the case, in the absence of specific consultation.

17. However, in my view it is significant the enforcement notice did not distinguish a transit use or temporary occupation of the site, which shows the Council must therefore have contemplated permanent occupation. In addition, it is apparent from the representations received that third parties were aware of and able to comment on the proposed permanent use. This may therefore be considered as an application for a permanent gypsy and traveller site with ancillary tourism. Notwithstanding this I am mindful the appellant requested that if planning permission was not forthcoming in these terms, they would wish to revert to consideration of the transit use.

Whether temporary residential use of a mobile home (chalet) by the appellant constitutes permitted development

18. At present the appellant, together with his immediate family reside in a mobile home, situated adjacent to the main permanent dwelling adjoining the northern boundary of the site. The appellant states this is only a temporary arrangement to allow for building works to take place in relation to the main dwelling. Once these works are completed the appellant's intention is to move back into the main dwelling and to remove the mobile home from the site.

19. In this regard the appellant relies on Schedule 2, Part 4 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). This confirms as permitted development the following: *The provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land.*

20. The aforementioned paragraph includes operational development but does not specifically refer to use of the land. It can be distinguished from the provisions of Part 4 Class B, which is specifically concerned with temporary uses of land and any relevant restrictions and conditions.

[3] The use of land as a travelling showpersons' plot is essentially a mixed use since it encompasses the stationing of caravans for residential use alongside the use of land for the storage, maintenance and repair of fairground rides and other amusements.

21. Whilst the temporary use of the mobile home for residential purposes may be permitted development, I am not persuaded the specific provisions of Part 4 Class A of the GPDO allow for this. Indeed, the temporary use of this structure for residential purposes, by the appellant and his family, may not constitute a material change of use and therefore development at all. However, that question is outside the scope of my decision.

Environmental Impact Assessment Regulations

22. In reaching my decision in relation to Appeal D, I have taken into consideration the Secretary of State's screening direction, which determined that the proposed development would not constitute 'Environmental Impact Assessment development'.

Appeal D

Main Issues

23. The main issues are i) the effect of the development in relation to the character and appearance of the area; ii) whether the appeal site is a sustainable location; iii) whether the development can be said to dominate the nearest settled community; iv) whether there has been intentional unauthorised development; v) the effect of the development on biodiversity; vi) highway safety considerations; vii) the effect of the development on the living conditions of neighbours, with particular regard to overlooking; viii) the significance of flood risk and surface water drainage in relation to the development; ix) the extent to which site occupiers and neighbours are affected by noise pollution; x) the arrangements for the management of foul drainage; xi) the arrangements for external lighting on the site; xii) the arrangements for waste / odour control on the site; xiii) whether there is a need for gypsy / traveller sites; xiv) the personal circumstances of the site occupiers.

Reasons

Character and Appearance

24. The site is set within an open and relatively flat agricultural landscape, characterised by generally well vegetated field boundaries and pockets of woodland. There is an extensive forested area, known as Bishop Wood, a short distance to the south east. The village of Sherburn in Elmet lies a relatively short distance to the west. Despite the presence of some very large-scale warehousing developments on its eastern fringes, this does not detract from the predominantly rural character of the appeal site surroundings.

25. The site has been enclosed with close boarded fencing. Outside this structure, a densely vegetated hedgeline effectively screens views of the site from the east. However, despite an alignment of trees outside the western boundary, the upper parts of caravans, which stand out because of their light colouring, are visible when approaching from this direction along Bishopdyke Road. They are indicative of the large scale of development on the site. Whilst views of the site from passing vehicles would be relatively short in duration, they are more than simply fleeting. Furthermore, it is likely that visibility of the site would be increased periodically as the filtering or screening benefits of the tree canopies and hedge

are depleted due to seasonal leaf fall. Also, the retention of the trees cannot be controlled or guaranteed by condition, as they are situated outside the site on third party land.

26. There is a thinner more sporadic line of trees along the southern boundary. Visibility of the interior of the site is relatively restricted over this narrower boundary, when viewed from the southern approach along Scalm Lane, and also from public rights of way, further to the south-west, due to the separation distance involved. However, the presence of screen fencing along the southern boundary appears stark and at odds with the natural or more informal boundary treatments that predominate in the surrounding area. The fence is in a highly prominent location at a crossroads junction. Even if the structure were to be repositioned behind the existing thin line of trees it would remain highly visible, and it would be a long time before any additional planting adjacent to this boundary became sufficiently established to effectively screen or mitigate the development.

27. It was also apparent from my visit that hardstanding has been laid as far as the trunks, and therefore within the root protection areas, of these remaining trees. It is possible that soil compaction arising from vehicular activity in this location may harm the longevity of these trees.

28. It is undisputed that a significant number of trees have been removed from within the western and southern boundaries of the site, which has facilitated the present extent of development. Having considered photographs, provided within the various representations, of the affected trees, I am in no doubt they formed a dense pocket of woodland, which added to the character and appearance of the landscape, in what is a very prominent location.

29. The external lighting of the site is apparent during hours of darkness and serves to draw the eye, although I accept it would be possible to introduce measures to reduce the intensity of glare and light spillage.

30. I have considered the representations made by the Council’s landscape architect. However, drawing the above considerations together I am in no doubt that the combination of the extent of tree loss and development on the site has resulted in very significant harm to the character and appearance of the area through the erosion of natural features and through an increasing sense of urbanisation. Accordingly I find conflict with Policies SP13, SP18 and SP19 the Selby District Core Strategy 2013 (CS) and with Saved Policies ENV1 and RT12 of the Selby District Local Plan 2005 (LP) insofar as they seek sustainable development and high quality design that avoids harm to, and where possible enhances, the landscape character.

Sustainable Location

31. Policy SP2 of the CS is concerned with the Council’s spatial development strategy and in essence seeks a majority of new development to be directed to the towns and more sustainable villages, with strict control over development in the countryside. Policy SP11 of the CS sets out that traveller site development will be determined in accordance with national policy, which refers to limiting the need to travel and offering a genuine choice of transport modes.

32. The Planning policy for traveller sites (PPTS) states that local planning authorities should very strictly limit new traveller site development in open countryside that is ‘away from’ existing settlements or outside areas allocated in the development plan. I am also mindful that the National Planning Policy Framework (the Framework) states that the development of isolated homes in the countryside should, subject to certain limited exceptions, be avoided.

33. The nearest settlement of Biggin is only some 200 metres to the north of the site along Oxmoor Lane. There is also a farmhouse and associated buildings immediately to the north. I do not therefore consider the site to be in an isolated location, or indeed away from an existing settlement.

34. Biggin, however, is a small, dispersed hamlet which, with the exception of a public house, lacks everyday services and facilities. It would be necessary for the site occupiers to travel to larger settlements, notably Sherburn in Elmet, in order to access a full range of day-to-day services and facilities.

35. With regard to connectivity, it would be realistic to conclude that for convenience and distance reasons, and safety during hours of darkness, there would need to be significant reliance on private vehicles in order to gain access to services and facilities. I have not been provided with any evidence to persuade me that the use of alternative means of sustainable travel would be likely.

36. Drawing the above considerations together I conclude the development is in conflict with the Council’s spatial development strategy. However, the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and I do consider that the length and duration of journeys necessary to access essential services and facilities, even if taken by car, would not in this case be excessive for a rural location. I consider the site has reasonable access to key services and facilities and this serves to limit the adverse weight that I give to this factor.

37. Furthermore, I have had regard to the PPTS objective of ensuring that traveller sites are sustainable, economically, socially and environmentally, and to the various related criteria in paragraph 13 of that document. These include that a settled base may serve to reduce possible environmental damage resulting from unauthorised encampment. I also acknowledge that a settled base would tend to promote access to appropriate health services and ensure that children can attend school on a regular basis; also that grassed open space is available in the centre of the site to facilitate play and thus promote children’s health. It is also likely that site residents would use the nearby public house to a degree, thus helping to support the continuity of local services, as advocated by the Framework.

38. On balance, I am not persuaded that the appeal site could reasonably be described as being in a sustainable location. However, for the reasons in the aforementioned paragraphs the adverse weight that I give to this matter is reduced to a limited level.

Settlement Dominance

39. The PPTS states that when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community. It seems to me that the question of

dominance may have both a physical dimension in terms of scale and visual impact and a social dimension in terms of demands on local infrastructure and achieving integrated co-existence.

40. The nearest settled community is that of Biggin, which is a relatively short distance from the site. This is a small hamlet comprising 121 persons, according to the most recently published figures. It is proposed to locate some 47 caravans on the site. Whilst the number of households / pitches would very likely be smaller than this, and it would be unlikely that all of the proposed caravans there would be lived in, there remains the potential for a large traveller population on the site.

41. There is generally a lack of intervisibility between the appeal site and the core of the hamlet focused along Oxmoor Lane, and it is possible that passers by would not associate the two areas as being part of the same settlement. However, as I have set out above, the site is visible from the west and is likely to become more noticeable as a result of leaf fall. In my judgement, for local residents familiar with Biggin, the physical scale of development on the site would feel somewhat disproportionate in visual terms to the remainder of the settlement.

42. Services and facilities are almost completely absent in the hamlet and the highway authority have not flagged concerns regarding the capacity of the local road network. Thus, in my view, it would be wrong to conclude the development would lead to excessive demands on local infrastructure. However, conversely, the absence of local facilities such as shops and schools, results in very limited opportunities for interaction, integration and peaceful co-existence with the local community, as promoted by the PPTS.

43. Overall, I consider that a sense of dominance of the nearest settled community would be perceptible, though not overwhelmingly so, in this case. I therefore attach only limited adverse weight to this consideration.

Intentional Unauthorised Development

44. A Written Ministerial Statement made in December 2015 confirmed changes to national planning policy to make intentional unauthorised development a material consideration to be weighed in the determination of planning applications and appeals.

45. It is undisputed that the Council attended the site in May 2024, in response to the felling of trees and laying of hard surfacing; also, subsequent to this, that the appellant advised they would be submitting a planning application to regularise / extend residential development there. That significant tree removal had occurred by this time is corroborated by undisputed 'before and after' photographs within the various representations.

46. It is apparent from photographs taken by the Council in September 2024 that works on the site had continued, which included the provision of a tarmac road, further hardstanding and the provision of the central island area with street lights. A large number of caravans can also be seen.

47. The Council served temporary stop notices on the appellant in the latter part of 2024, followed by a permanent stop notice in February 2025. A planning application for the development was only submitted in October 2024.

48. I am mindful that the 1990 Act makes provision for a grant of retrospective planning permission, including the imposition of planning conditions. However, set against this, when drawing together the above, is that the appellant continued undertaking various operational developments, facilitated by significant tree removal in breach of a planning condition, on the balance of probability in the knowledge that planning permission was required for those developments.

49. The continuity of unauthorised development has resulted in the Council serving various stop notices. The loss of so many trees has in my view severely compromised the ability of the Council to achieve an effective landscaping scheme, which was intended to help integrate a smaller previously approved development there. Furthermore, there is already a dwelling present on the site, which the appellant and his family are able to reside in. Therefore, the actions taken by the appellant cannot be defended on the basis they were required in response to an immediate need for their own refuge and shelter, or that they had nowhere else to live.

50. I therefore find intentional unauthorised development has occurred; and that the lack of regard for planning controls has been serious enough in this case that I give this matter substantial adverse weight in the planning balance.

Biodiversity

51. The government's planning practice guidance sets out which planning permissions are in scope and which are exempt from biodiversity net gain. It confirms that biodiversity net gain does not apply to retrospective planning permissions made under section 73A of the 1990 Act. S73A(1) states on an application made to a local planning authority, the planning permission which may be granted includes planning permission for development carried out before the date of the application. The application in this case was stated to be part retrospective and thus is covered by s73A. Accordingly, the biodiversity net gain requirement does not apply. This does not of course mean that the impact of development on biodiversity on the site should not be taken into account.

52. As set out above, significant tree removal has occurred on the site[4]. It is undisputed that a complaint was received in May 2024 regarding the loss of mature trees there. It would therefore be reasonable to conclude, in my judgment, that the said trees were felled around this time. It is likely this action would have been during the bird nesting season, and in any event I have no reason to disagree it would likely have resulted in a significant loss of habitat and harm to biodiversity in this particular location.

53. When considering the extent to which it is proposed to develop the site, the capacity for any replacement planting there is very limited. The appellant has indicated they would be willing to compensate for this impact, through purchasing 'credits' via the Environment Bank, towards off-site projects, in order to achieve ten per cent net gain overall. Whilst not a statutory requirement, that this is offered by the appellant, and undisputed by the Council to be achievable, is nevertheless a material consideration I need to assess.

[4] It is understood that the Forestry Commission has commenced enforcement proceedings under its own powers in relation to this matter. This however is an independent regulatory process and the action, in itself, has no bearing on my decision in this case.

54. Policy SP18 of the CS and the Framework contemplate the possibility of off-site compensation measures for biodiversity. However, when read as a whole the policy position is that compensation is a last resort measure, when biodiversity harm cannot be avoided. It seems to me that had due regard been paid to the significance of trees on the site, in terms of the conditions attached to the 2023 permission and in terms of assessing the present proposal, their loss could have been avoided.

55. I am also mindful there is no completed planning obligation before me, committing the appellant to compensatory planting; also that if I imposed a condition requiring such measures it may be deemed unnecessary or unreasonable, in light of the statutory position.

56. Drawing all of the above together, I therefore attach only very limited positive weight to the appellant's proposed biodiversity net gain measures.

Highway Safety

57. The appeal site is accessible from two openings in the eastern boundary (north and south) along Oxmoor Lane, which is subject to the national speed limit and runs along the eastern boundary of the site. Whilst the Council raises no objection in principle on highway safety grounds, it seeks adequate visibility splays to be demonstrated. Numerous residents have objected to the development, citing inadequate junction visibility with Oxmoor Lane; that the Oxmoor Lane / Bishopdyke junction is an accident black spot and having regard to the safety of residents walking through the village in the absence of footways.

58. Visibility splays are expressed in terms of *x* and *y* distances, where *x* is the distance back from the carriageway 'give way' line on the minor arm (or access) and *y* is the distance that a driver can see to the left and right along the main road. The Highway Authority confirmed during the Hearing that in the absence of survey information, which might allow for greater flexibility, they would seek an *x* distance of 2.4 metres and *y* distances of 215 metres as minimum requirements. There was a lack of evidence presented to dispute this requirement.

59. It was apparent from measurements taken at the site visit that at the north egress the y distances are not achievable, with driver visibility significantly compromised due to obstruction from the tall and dense boundary hedge adjacent to the site, along with the presence of stone entrance pillars. Consequently, it is necessary for drivers leaving the site to edge out into the carriageway, in order to achieve better visibility. I am not persuaded as to the safety of this manoeuvre when considering the speed at which oncoming traffic may approach the junction, and the potential for late awareness of emerging traffic.

60. It would be possible to improve driver visibility at the north egress by reducing the height and / or forward projection of the hedge, which appears to be within the highway boundary, together with the height of the stone entrance pillars. However, it seems to me that significant works would be required to the hedge which would have the potential to drastically alter both its relatively uniform and visually pleasing form and its screening potential for the site. Accordingly, I am not persuaded this would not result in significant additional visual harm.

61. With regard to the south egress, despite the main parties agreeing that there is adequate driver visibility southwards to the crossroads, visibility is again compromised northwards due to the hedge. Therefore, even if a one-way system were introduced, allowing egress from the south junction only, alterations to the hedge would still be required. Again, I am not persuaded that visual harm would not result from this.

62. I have taken into consideration that the 2023 permission allowed for a more relaxed visibility splay. However, this would have been in relation to significantly less traffic and I am not therefore persuaded it follows that such provisions may be applied in the present case.

63. Drawing the above considerations together, from the information before me, I conclude that adequate highway visibility cannot be achieved, without the development resulting in some additional visual harm. The present highway safety position, without modifications to driver visibility, would weigh against the development.

64. I acknowledge the concerns expressed by residents regarding the accident record at the nearby Oxmoor Lane / Bishopdyke Road junction. However, the Highway Authority have not objected to the development on this basis, and there is no evidence to suggest the design of this junction is inherently unsafe. Concerns regarding the safety of residents walking on roads in the hamlet are also noted. However, when considering the relative lack of facilities, I concur with the view this would largely be a matter of personal choice. Furthermore, the relatively straight alignment of the road through much of the hamlet, and speed restriction there, would be conducive to the safe inter-visibility of drivers and pedestrians.

Overlooking

65. The Council's concern, and that of the neighbouring occupier, is that the siting of a mobile home adjacent to the northern boundary of the site results in the neighbour's private garden area being overlooked and a consequent loss of privacy. As set out above the appellant and his immediate family are temporarily residing in the mobile home, pending the completion of building works in relation to the main dwelling.

66. From my site visit it was evident there is a bedroom window in the elevation of the mobile home facing the neighbour's property. Whilst I am in no doubt this would have resulted in the garden area being overlooked, the appellant has overcome this issue through increasing the height of boundary fencing. I am also mindful the mobile home is not intended to be in place permanently.

67. I conclude the neighbour's living conditions are not harmed as a result of overlooking, due to the boundary screening, which could potentially have been made a requirement of a planning condition, had the mobile home been proposed for permanent retention, and assuming I had been minded to grant planning permission for the development as a whole. Accordingly, I do not find conflict with Policy ENV1 of the LP or with the Framework.

Flood Risk and Surface Water Drainage

68. I have had regard to the policies, as set out in the Framework, and the Government's Planning Practice Guidance (PPG) in relation to flood risk. The Framework is clear that caravans and mobile homes intended for permanent residential use are to be regarded as 'highly vulnerable' to flood risk[5].

69. In terms of that risk, land is classified into flood zones 1, 2 or 3 which relates to the probability of flooding. Flood zone (FZ) 2 is defined as having between a 1 in 100 & 1 in 1000 annual probability of river flooding or between a 1 in 200 & 1 in 1000 annual probability of sea flooding; FZ 3a as having a 1 in 100 or greater annual probability of river flooding or a 1 in 200 or greater annual probability of sea flooding; FZ 3b is the area where water is stored or flows in times of flood.

70. There is no dispute that western and southern parts of the site lie within FZ 3a, with the remainder being in FZ 2, as shown on Environment Agency mapping.

71. Where development is proposed in FZs 2 or 3 it is necessary to apply a so-called 'Sequential test' (ST). As set out in the Framework the aim of the ST is to steer new development to areas with the lowest risk of flooding. Under the ST development should not be permitted in areas known to be at risk now or in the future from any form of flooding, if appropriate sites are reasonably available in areas with a lower risk of flooding.

72. From the representations, an alternative site to accommodate the proposed 47 caravans could not be identified, let alone in an area at lower risk of flooding. Where a site falls within FZ 3a or 3b, as in this case, the PPG advises that 'highly vulnerable development' should not be permitted, even if the ST is passed. This is reflected in the PPTS which states that sites should not be located in areas at high risk of flooding given the particular vulnerability of caravans. In this regard the proposed development is at odds with national policy, although paragraph 170 of the Framework states that where development is necessary in areas at the highest risk of flooding, it should be made safe for its lifetime without increasing flood risk elsewhere.

73. However, it is important to go on to consider the appellant's site-specific flood risk assessment (FRA) in more detail. This study concludes that there are two sources of flood risk, namely Bishopdyke, directly adjacent to the southern boundary of the site and surface water run-off. It sets out that during a 100 year flood event scenario, whilst allowing for climate change, the site could be flooded to a maximum depth of 0.23m, although water levels would be shallower than this across significant parts of the site. According to the study, the minimum upstand levels of mobile homes and caravans on the site would exceed these levels, so that the structures would not therefore become inundated or buoyant.

74. The findings of the FRA are not challenged by the Council. Whilst it agreed at the Hearing that flood levels would be unlikely to endanger life, it said they could nevertheless pose a danger to health. I have no reason to dispute this point, however I am mindful that that during an extreme flood event, the FRA concludes that a large portion of the site and Oxmoor Lane will remain dry and accessible and it would be possible to safely vacate the site if a flood warning and evacuation

[5] See Annex 3

plan was in place. The FRA findings are an important material consideration. I shall return to this matter when considering the 'Planning Balance' later in the decision.

75. With regard to the control of surface water discharge from the site, supporting technical information has referred to limited soil permeability and the need for permeable surfacing and controlled discharge / attenuation. However, I am not provided with any information that leads me to doubt this could be achieved through the imposition of a suitable planning condition, in the event that planning permission is forthcoming.

Noise and Disturbance Issues

76. The Council raises concern regarding noise impacts on the occupier of the existing dwelling on the site, the neighbouring occupier at Bridge Farm, and also on occupiers situated close to the southern boundary of the site. The existing dwelling is occupied by the appellant and it is likely the main source of noise that might have the potential to cause disturbance would be the movement of vehicles associated with the development. However, I am mindful that vehicle movements within the site, connected with the residential use would be relatively light and at low speed. Furthermore, the residential use of the site would be run by the appellant voluntarily as a commercial operation, which would serve to reduce their sensitivity to vehicle movements.

77. The neighbouring occupier commented at the Hearing that he had experienced interrupted sleep due to activity at the site. I am not persuaded that general vehicular movements on the site, in connection with the residential use, would be harmful to living conditions. I understand the extent to which any disturbance might be caused by commercial operations, alleged to be taking place, would be the subject of a separate enforcement investigation.

78. It is likely that site occupiers living close to the southern boundary would be aware of traffic noise associated with vehicles passing along Bishopdyke Road. The appellant proposes an acoustic fence in order to provide adequate mitigation, the specifications of which would need to be the subject of further assessment. Setting aside the visual impact of this structure, I have no reason to doubt that an acoustic fence would be effective in mitigating noise impact. This could be the subject of a planning condition, in the event that planning permission was forthcoming.

79. Concern has also been raised about the effect of noise emanating from any treatment plant associated with the management of foul drainage on the site. However again, I consider in principle this could be adequately mitigated by construction of a suitable enclosure and that this would not be a reason to refuse planning permission.

80. I therefore conclude, that subject to an appropriate condition, the proposed development would not result in noise disturbance. Consequently, I do not find conflict with Policy SP19 of the CS; with Policies ENV1 and ENV2 of the LP or with the Framework insofar as they seek to achieve high quality design, including by avoiding unacceptable levels of noise pollution that result in significant adverse impacts on health and quality of life.

Foul Drainage

81. The Council raises the concern that insufficient information has been provided to assess the impact of foul drainage associated with the site. From the information submitted I am not persuaded that the existing package treatment plant serving the site has adequate capacity to cope with the proposed number of site residents. However, equally I have no reason to doubt that drainage capacity could be increased with a larger treatment plant, which could be secured through a planning condition.

82. I therefore conclude, that subject to an appropriate condition, the proposed development would not result in harm due to the inadequate management of foul drainage. There would not therefore be conflict with Policy ENV 1 of the LP or with the Framework insofar as they seek to avoid environmental pollution in this regard.

External Lighting

83. The Council raises the concern that insufficient information has been provided to assess the impact of external lighting at the site. I have set out above that external lighting at present serves to draw attention to the site during hours of darkness. However, I consider external lighting could be further controlled, such that this, in itself, would not be a reason to refuse planning permission.

84. I therefore conclude, that subject to an appropriate condition, the proposed development would not result in harm due to external lighting on the site. There would not therefore be conflict with Policy SP19 of the CS; Policies ENV 1 and ENV3 of the LP or with the Framework insofar as they seek to avoid environmental pollution in this regard.

Waste / Odour control

85. The Council raises the concern that insufficient information has been provided to assess the impact of odour arising from domestic waste generated on the site and from animals being kept there.

86. During the Hearing the appellant confirmed that waste is currently collected from the site by a private contractor on a regular basis. During my site inspection no odour related issues were apparent. I am satisfied these issues may be controlled by condition in the event that planning permission is granted.

87. Consequently I do not find conflict with Policy SP19 of the CS; with Policies ENV1 and ENV2 of the LP or with the Framework insofar as they seek to avoid environmental pollution.

Other Matters

88. During the Hearing, and also within the representations, local residents referred to experiencing and being affected by certain types of anti-social behaviour by site occupiers. Reference was made to various kinds of waste being discarded on private land or burnt and to disturbances arising from car engine revving, noisy arguments and the playing of music loudly. The Council confirmed at the Hearing that following an investigation, a Community Protection Warning Notice had been served.

89. I am satisfied that the investigation of allegations of anti-social behaviour and any enforcement action deemed necessary would fall within a separate regime of statutory control. Therefore, in my judgment, the incidences of behaviour raised do not bear on the remit of my decision in this case.

90. The PPTS states that weight should be given to the effective use of previously developed land. I have found that the site would fall within the definition of previously developed land, as set out in the Framework, owing to the previous planning permission and development. However, because of the environmental harm caused by the present development, as identified earlier in my decision, I am not persuaded its use can be described as effective.

Other Material Considerations

Need for Gypsy / Traveller sites

91. Paragraph 7(b) of the PPTS states that local planning authorities should prepare and maintain an up-to-date understanding of the likely accommodation needs of their areas over the lifespan of the development plan. The Council's most recent Gypsy and Traveller Accommodation Assessment (GTAA) was produced in May 2018.

92. However, the requirement the Council was working to did not take into account the recent definitional change in the PPTS[6]. This change means that gypsies and travellers who have ceased to travel permanently on grounds of age, educational need or disability, must now be included within assessments of need, which was not the case at the time of the 2018 GTAA. Furthermore, the GTAA is now more than seven years old and accepted by the Council to be out of date. Whilst a revised GTAA is being prepared, when this will be published is uncertain and the Council conceded at the Hearing there is a need for sites and that the level of unmet need for sites is unknown.

93. The PPTS states that local planning authorities should identify, and update annually, a 5-year supply of specific deliverable sites. Although it identified two vacant pitches at each of two of its local authority run sites at present, the Council confirmed it is unable to demonstrate a five-year supply of deliverable sites. I find no reason to disagree, and accordingly there is conflict with Policy SP11 of the CS and with the PPTS on this basis.

94. I am not persuaded that alternative sites for the various occupiers of the appeal site can be identified by the Council at this time.

95. I am also mindful the PPTS states that Councils should set policy criteria to provide a basis for decisions so as to facilitate the traditional and nomadic life of travellers, while respecting the interests of the settled community. A recent appeal decision[7] identified that the Council had not produced such a locally specific criteria-based policy (albeit that there is reference to determining applications in accordance with national policy); also that there are no existing development plan policies in relation to those travellers who did not meet the then PPTS definition. I concur with the view that this represents a failure of policy.

[6] From 19 December 2023 the definition has reverted to that adopted in the 2012 version of the document.

[7] Appeal ref: APP/N2739/W/21/3280032 – dated 11 May 2022.

96. The aforementioned factors therefore weigh in favour of the development.

97. The appellant also sets out that the site amounts to a viable alternative to using Green Belt land. However, I am mindful that each development must be considered on its own merits, and therefore the fact the site is not in a Green Belt location does not in itself weigh in favour of the development in this case.

Personal Circumstances of the site occupiers

98. The appellant lives on the site in 'bricks and mortar' accommodation, and provides space for the permanent residential use of the site. Written representations have been received, and verbal statements given to the Hearing, from some of the site occupiers. These residents have commonly referred to previously living on the roadside, without a settled base; also that the site provides safety, security and clean living conditions. Reference is made to children attending local schools; and to registration with local medical facilities which provide valued support in relation to certain medical conditions. The Council does not seek to challenge the ethnic gypsy status of the various site occupiers.

99. If the appeal is not successful, in the absence of an alternative site, it seems to me that people are at risk of being made homeless. It would remove a settled base that would potentially mean having to resort to living on the roadside. This in turn would very likely mean disruption to educational provision for children and the health care of individuals as a result. I am mindful that it may be difficult to enrol children in school and /or maintain their attendance; and to gain access to medical services if a family has no fixed address.

100. At the Hearing, when questioned, the appellant responded that he thought there were around 20 families living on the site, some 20 young children up to aged 13 and around 12 older children. He was unable to say exactly where people were living on the site.

101. There is a lack of clarity from the information provided as to the total numbers of persons, families and children living on the site; where those people are located and their individual needs, circumstances and accommodation requirements. From the information before me, there is a lack of justification on grounds of personal need and circumstances for the occupation of the site to the extent proposed. Furthermore, in the context of such uncertainty, it follows that the level of need for any supporting amenity buildings is also uncertain. It would be inappropriate to resort to a planning condition to require these details because their impact on the overall design of the development would be unknown.

102. Whilst the occupiers' personal circumstances therefore weigh in favour of the development, these considerations temper the weight I attach.

103. I also heard representations during the Hearing from both of the appellant's elderly parents. They referred to their medical conditions, in relation to which they are relying on the support of local health care facilities. They also valued the settled base and security that the site provides. It seems to me that in the event planning permission is not forthcoming for the proposed residential development, there may remain a strong case for their continued residence on the site in a separate mobile home. The Council will no doubt wish to examine, having regard to functional links

between the occupation of this structure and occupation of the main dwelling, whether this arrangement, in itself, would result in a material change of use of the land.

Planning Balance and whether proposal is in conflict with development plan read as a whole

104. I attach substantial weight both to the harm caused to character and appearance of the area and due to the intentional unauthorised nature of the development. I give significant weight to highway safety harm. For the reasons set out above settlement dominance and lack of sustainable location are factors that each attract limited adverse weight.

105. For development located within FZ 2, and following the application of the ST, highly vulnerable development is then required to meet an Exception Test. For the Exception Test to be passed it needs to be demonstrated firstly that the development would provide wider sustainability benefits to the community that outweigh the flood risk and secondly that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

106. Whilst I am not required to apply the Exception Test to a site situated within FZ 3, I am mindful that the site straddles flood zones in this case, being partly located within FZ 2.

107. I am provided with no evidence that leads me to doubt that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere (when also having regard to the potential to manage surface water drainage appropriately). The provision of a settled base for the site occupiers and the potential benefits that arise from this in terms of access to education and medical services, and the possible avoidance of environmental damage due to unauthorised encampment, in the context of need for gypsy and traveller sites, is evidence of a wider sustainability benefit to the community; as is the potential for increased spending in the local area. However, in the present circumstances, this is outweighed by the harm caused to the natural environment, as identified above, which amounts to a sustainability disbenefit for the wider community. Overall, I do not therefore consider the wider sustainability benefits to the community outweigh the flood risk, despite that risk being at a relatively low level.

108. Therefore, if I applied the Exception Test in this case, on balance it would not be passed, and would be in conflict with Policy SP15 of the CS which seeks to avoid development in areas of flood risk, wherever possible. However having regard to the findings of the flood risk assessment, I attach only very limited adverse weight to the policy conflict, which would not, in itself, amount to a strong reason for refusing the development.

109. I attach substantial positive weight collectively to the present unmet need for sites, including the lack of any alternative site being available now to accommodate all the various site occupiers, and to the lack of an up-to-date 5-year supply of deliverable sites. I attach significant weight to the Council's policy failure in this regard. I also attach moderate weight to the personal circumstances of the site

occupiers. The potential for off-site biodiversity measures is a matter of only very limited positive weight.

110. I have found the development would, subject to appropriate planning conditions, not result in harm to living conditions by way of overlooking; in terms of noise pollution; the management of foul drainage and the arrangements for external lighting and waste / odour control. These 'absences of harm' are neutral in the planning balance and do not weigh in favour of the appeal.

111. For the above reasons I conclude the proposed development is in conflict with the development plan when read as a whole. The resulting harm would outweigh the benefits. For the avoidance of doubt, I would reach the same conclusion even if the highway safety concerns identified could be resolved and this led to no greater visual harm than already identified.

112. I have taken into consideration the existence of the 2023 permission, granted by the Council, also that the present proposal includes a tourism element. However, what is proposed in this case, in total, is a more intense level of development, with different characteristics and greater impact. Therefore, the 2023 permission does not mean that planning permission should inevitably be forthcoming in this case.

113. I have also had regard to the appeal decisions brought to my attention by the appellant, which relate to different developments on sites elsewhere. However, the circumstances of those cases are different to those currently before me, and do not, when all is considered in total, weigh in favour of a positive decision in this case.

National Planning Policy Framework

114. It is undisputed that the Council is unable to demonstrate a five-year supply of deliverable gypsy and traveller sites. Paragraph 11(d) of the Framework is therefore engaged. This means that decision makers should apply a presumption in favour of sustainable development, such 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 Framework taken as a whole. The Framework sets out that achieving sustainable development means the planning system has overarching economic, social and environmental objectives.

115. In terms of the environmental impact, I have set out above how I consider the development has resulted in very significant harm to the character and appearance of the area, and why I am only attaching very limited weight to any biodiversity benefit away from the site.

116. I have recognised the development brings various significant social benefits from helping to address a shortage of traveller accommodation, although it will have some negative impact in terms of the location of the site and integration with the settled community.

117. From an economic perspective, in broad terms the development would probably bring a very modest benefit to the local economy, resulting from additional spending by the site occupiers, including that which might arise from tourists.

118. In terms of paragraph 11(d) of the Framework, for the reasons set out earlier in my decision I conclude that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Accordingly, it would not constitute the sustainable development in relation to which the Framework presumes in favour. Again, for the avoidance of doubt, I reach this conclusion assuming the highway safety concerns can be resolved and without leading to greater visual harm than already identified.

Overall Planning Balance conclusion

119. Therefore, the proposal conflicts with the development plan, and material considerations, including having regard to the Framework, the need for traveller sites and the personal circumstances of the site occupiers, indicate that a decision should not be taken otherwise than in accordance with the plan. Therefore, planning permission should be refused.

120. I also need to consider, by way of alternative, the possibility of a temporary planning permission instead. In principle, a temporary permission would serve to reduce the severity of harm identified. This must be the case, because the generation of harmful impacts would be less than in the case of permanent occupation.

121. However, I am mindful that it remains open to me to extend the notice compliance period, should I consider this to have merit. In the present circumstances, where the timing and location of the benefit of any alternative site provision is uncertain, I therefore conclude that granting temporary planning permission would still result in adverse impacts that would significantly and demonstrably outweigh the benefits, and fails to justify quashing the notice.

122. Article 8 of the Human Rights Act 1998 states that everyone has a right to respect for private and family life, their home and correspondence. This is a qualified right, whereby interference may be justified in the public interest, but the concept of proportionality is crucial. Article 8(2) provides that interference may be justified where it is in the interests of, amongst other things, the economic well-being of the country, which has been held to include the protection of the environment and upholding planning policies. I am also mindful that Article 3(1) of the United Nations Convention on the Rights of the Child provides that the best interests of the child shall be a primary consideration in all actions by public authorities concerning children.

123. Given the circumstances overall, I find that granting planning permission would not be a proportionate outcome, whilst having regard to the best interests of the child and despite interference with the site occupiers' rights to a private and family life and home.

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

circumstances of this case, that any impact on the site occupiers by reason of their protected characteristics is justified and proportionate.

125. Given that I will be dismissing the appeal in relation to permanent residential use of the site at its proposed scale, the appellant has requested that I consider its use as a transit site for temporary occupiers.

126. As with permanent sites, the current level of need in the area for transit sites is uncertain. However, the occupation of the site for transit purposes would not overcome the harmful impacts I have already identified. Whilst the provision of transit facilities may help to prevent the emergence of unauthorised temporary stopping places, and lead to some economic benefits, including through work opportunities in the wider area, the positive weight to be afforded to the benefits of a permanent settled base would not be present. Overall, the provision of a transit site would still result in adverse impacts that would significantly and demonstrably outweigh the benefits. Accordingly, there is a lack of justification for granting planning permission in these terms.

Appeals A, B and C - the ground (f) appeal.

127. The ground of appeal is that the steps required by the notice to be taken exceed what is necessary to achieve the purpose. The purposes of an enforcement notice are set out in s173 of the 1990 Act and include remedying the breach of planning control (s173(4)(a)). The 1990 Act sets out that the breach may be remedied by making the development comply with the terms of any planning permission granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place.

128. With regard to the unauthorised development, the objectives of the notice are to discontinue the alleged residential and holiday mixed use; to permanently remove various features associated with the mixed use and to return the land to its previous agricultural condition. It follows that the purpose of the notice is to remedy the breach of planning control.

129. The appellants' ground (f) appeal is that this would be excessive when considering the extant 2023 permission for the holiday touring caravan site. I have set out above that the 2023 permission was for the residential use of the land, albeit that it restricted how the site must be occupied. Accordingly, the breach of planning control should be corrected to refer to an intensification of the stationing of caravans for residential use, rather than change to a mixed use. It follows that the requirements should seek to cease the level and nature of activity on the site and remove operational development, so far as inconsistent with the 2023 permission; and return the land to a state consistent with the 2023 permission.

130. The ground (f) appeal therefore succeeds to this extent.

Appeals A, B and C - the ground (g) appeal.

131. The appeal is that the compliance period falls short of what should reasonably be allowed. The appellants refer to the lack of alternative site provision, and raise concerns that the enforcement action will mean children no longer being able to attend a particular Selby school, that caters for traveller children.

132. I need to balance the public interest in the notice being complied with expeditiously, against the private interests bound up in the development. In this regard I am keen to ensure that the site occupiers are given the most reasonable opportunity to find an alternative solution, in the context of the harm identified. I consider that extending the compliance period to twelve months, with an additional two-month period for the remediation of residual works, would amount to the optimum and proportionate position. The ground (g) appeal therefore succeeds to this extent.

133. As set out above, whether the appellant's elderly parents may continue to reside on the site, should in my view be a matter for consideration outside the much broader scope of the matters currently before me.

Conclusions

Appeals A, B and C

134. For the reasons given above, I conclude that the requirements of the notice are excessive to remedy the breach of planning control and the period for compliance with the notice falls short of what is reasonable. I shall correct and vary the enforcement notice prior to upholding it. The appeals on grounds (f) and (g) succeed to that extent.

Appeal D

135. For the reasons given above I conclude that the appeal should be dismissed.

Formal Decisions

Appeals A, B and C

136. It is directed that the enforcement notice is corrected by:

Deleting the wording describing the alleged breach of planning control at Section 3 in its entirety and substituting the following wording instead:

"The unauthorised material change of use of land through intensification of the stationing of caravans for residential use, and development including the laying of hardstanding and the erection of lampposts."; and

Deleting the wording describing the requirements at Section 5 in its entirety and substituting the following wording instead:

Step 1: Cease the use of the Land for the stationing of caravans for residential use, so far as inconsistent with planning permission ref: 2020/1205/COU, granted 21 July 2023, including its conditions and limitations.

Step 2: Permanently remove from the Land all caravans, amenity buildings, dog kennels, vehicles and other paraphernalia associated with the residential use, and hardstanding, lampposts and the provision of electricity and sewerage for human habitation, so far as inconsistent with planning permission ref: 2020/1205/COU, granted 21 July 2023, including its conditions and limitations.

Step 3: Return the Land to a state consistent with that granted by planning permission ref: 2020/1205/COU, granted 21 July 2023, including its conditions and limitations.

Step 4: Remove from the land all materials and debris arising from compliance with the above requirements (Steps 1 – 3); and

The substitution of the plan annexed to this decision for the plan attached to the enforcement notice.

137. It is directed that the enforcement notice is varied by:

Deleting the wording at Section 6, describing the time periods for compliance with the notice, in its entirety and substituting the following wording instead:

“a) For Steps 1 to 3 inclusive: **12 months**.
b) For Step 4: **14 months**.”

Appeal D

138. The appeal is dismissed.

R Merrett

INSPECTOR

Planning Inspectorate

Plan

This is the plan referred to in my decision dated: 11 August 2025

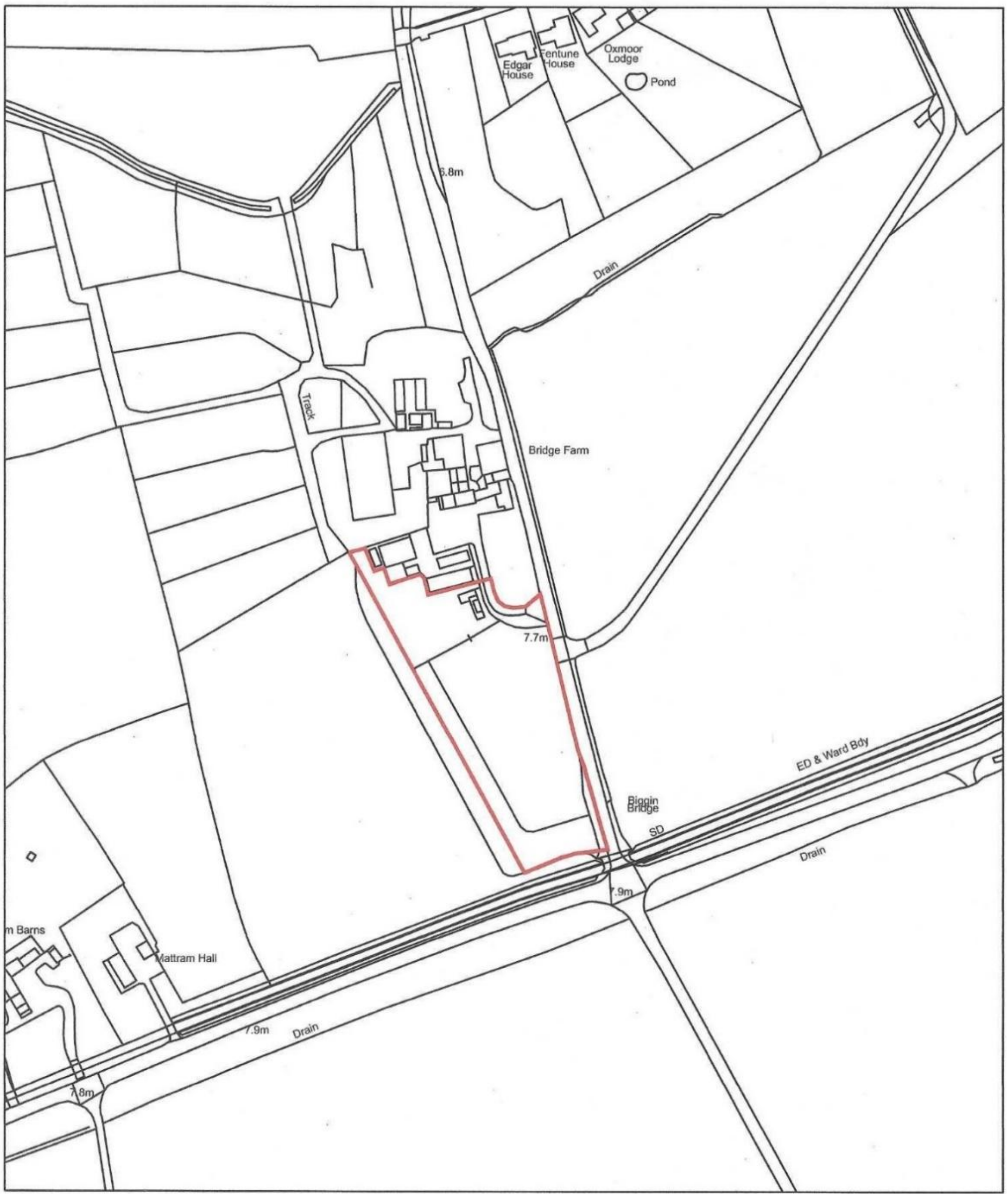
by R Merrett BSc(Hons), DipTP, MRTPI

Land at Bridge House, Oxmoor Lane, Biggin LS25 6HJ

References: APP/U2750/C/25/3360459, APP/U2750/C/25/3360460, APP/U2750/C/25/3360466

Scale: Not to Scale

Land at Bridge House, Oxmoor Lane, Biggin, LS25 6HJ "the Land"



APPEARANCES

FOR THE APPELLANT:

Freddie Humphries	Barrister
Mark Simmonds	Planning agent
Angela Simmonds	Planning agent
Matthew Stevenson	Appellant
John Gigli	Consultant

FOR THE LOCAL PLANNING AUTHORITY:

Elana Kaymer	Barrister
Ryan King	Senior Planning Officer
Sophie King	Senior Planning Enforcement Officer
Rachel Robinson	Enforcement Manager
Daniel Hampton	Environmental Health Officer
James Welsh	Highways Officer

INTERESTED PARTIES:

Georgina Ashton	Biggin Parish Council
Tom Bowey	Local resident
Anne Murphy Connors	Site occupier
Victoria Earle	Local resident
Tracy Francis	Site occupier
Graham Gilbertson	Local resident
Graham Hastie	Local resident
Shirley Hill	Local resident
Cornelius Kaiper-Holmes	Local resident
James Paul	Local resident
Leonard Price	Site occupier
Joseph Stevenson	Apellant's father (site occupier)

Mrs Stevenson	Appellant's mother (site occupier)
John Walsh	Local resident
Nick Watson	Local resident

Documents submitted at the Hearing:

1. Appellant's response to Inspector's Pre-Hearing note.
2. Approved Site Layout Plan and Landscape Plan in relation to planning permission 2020/1205/COU.
3. Biggin Parish Council photographs.
4. Public Rights of Way map.
5. Land Registry title plan.
6. Biggin Parish Council photographs.
7. Evidence log relating to alleged anti-social behaviour.
8. Suggested additional Planning Conditions in the event of Appeal D being allowed.
9. List of residents supporting the Council's enforcement and planning decisions.