



Appeal Decisions

No site visit made

by M Madge Dip TP MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2025

Appeal A Ref: APP/K0235/C/25/3367514, Appeal B Ref: APP/K0235/C/25/3367515, Appeal C Ref: APP/K0235/C/25/3367516, Appeal D Ref: APP/K0235/C/25/3367517, Appeal E Ref: APP/K0235/C/25/3367518, Appeal F Ref: APP/K0235/C/25/3367519, Appeal G Ref: APP/K0235/C/25/3367520, Appeal H Ref: APP/K0235/C/25/3367521, Appeal I Ref: APP/K0235/C/25/3367522, Appeal J Ref: APP/K0235/C/25/3367523, Appeal K Ref: APP/K0235/C/25/3367524, Appeal L Ref: APP/K0235/C/25/3367525, Appeal M Ref: APP/K0235/C/25/3367526, Appeal N Ref: APP/K0235/C/25/3367527
Land on the east side Pavenham Road, Felmersham, Bedfordshire MK43 7EX

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended) (“the 1990 Act”).
- Appeal A is made by Mr Mark James Boyce, Appeal B is made by Mr Michael Gerard Ward, Appeal C is made by Mr Thomas Leroy Ward, Appeal D is made by Ms Shannon Mongan, Appeal E is made by Mr Mark Jnr Boyce, Appeal F is made by Ms Bridget Boyce, Appeal G is made by Mr Martin Gerard Ward, Appeal H is made by Ms Kellie Ward, Appeal I is made by Mr Lawrence Ward, Appeal J is made by Ms Britney Ward, Appeal K is made by Ms Geraldine Mongan, Appeal L is made by Mr Bernard McDonagh, Appeal M is made by Mr Tommy McDonagh and Appeal N is made by Ms Winnie Marie McDonagh against an enforcement notice (“the notice”) issued by Bedford Borough Council.
- The notice was issued on 9 May 2025.
- The breach of planning control as alleged in the notice is “Without planning permission:
 - i) the material change of use of the land for the stationing of touring caravans, mobile homes and mobile welfare block for residential occupation;
 - ii) the formation of an access track and the laying of hardcore, building materials and gravel to form driveways and pitch standing areas;
 - iii) the installation of septic tanks and associated pipework;
 - iv) the erection of timber fencing in connection with the residential use of the land;
 - iv) the stationing of a shipping container for non-agricultural purposes;
 - v) the erection of one timber and one plastic shed.
- The requirements of the notice are:
 - i) Remove all mobile homes, caravans and mobile welfare blocks from the land and cease the use of the land for the stationing of mobile homes, caravans and mobile welfare block for residential purposes.
 - ii) Remove from the land all the hardcore, building materials and gravel spread on the land and restore the land to its former condition as agricultural land.
 - iii) Remove from the land all septic tanks and associated pipework and fill the resulting holes with earth.
 - iv) Remove from the land all timber fence posts and concrete foundations.
 - v) Remove from the land the shipping container.
 - vi) Remove from the land the timber and plastic sheds.
- The period for compliance with requirements i), ii), iii), iv), v) and vi) is 12 months from the date the notice takes effect.
- The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 (as amended).

Decisions

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

- *in paragraph 5. ii), the deletion of the words "as agricultural land";*
- *In paragraph 5. iv), delete the words "fence posts" and substitute the word "fencing"; and*
- *in paragraphs 6. ii), iii), iv), v) and vi), the deletion of the number "12" and the substitution of the number "13".*

Subject to the variations, the appeals are dismissed, and the enforcement notice is upheld.

Matters concerning the notice

2. It is incumbent upon me to put the notice in order. In accordance with s173(3) of the 1990 Act, the notice specifies the steps which the authority require to be taken and activities required to cease to remedy the breach of planning control. S173(4) can require the restoration of the land to its condition before the breach took place, as set out in step 5. ii). However, specifying *"restore the land to its former condition as agricultural land"* could be construed as requiring an agricultural use of the land to be restored. That would go beyond remedying the breach.
3. Further, the wording of the requirements should be taken from the allegation. The allegation includes the erection of *"timber fencing"* whereas step 5. iv) requires the removal of *"timber fence posts"*.
4. I am satisfied the deletion of the words *"as agricultural land"* and the substitution of the words *"fence posts"* with the word *"fencing"*, for precision purposes, would not cause injustice to the appellant or Council. I shall vary the notice accordingly.

Preliminary Matters

5. The appeals were made on grounds (a) and (g) of s174(2) of the 1990 Act. S174(2A)(a) of the 1990 Act (as inserted by s118 of the Levelling-up and Regeneration Act, 2023) says, *"An appeal may not be brought on the ground specified in subsection (2)(a) if (a) the land to which the EN relates is in England, and (b) the EN was issued at a time after the making of an application for planning permission that was related to the EN"*.
6. A planning application for *"Change of use of agricultural land to a Gypsy and Traveller site to contain five residential pitches (comprising a total of 11 mobile homes and 4 touring caravans) including parking, associated ground works, infrastructure and landscaping"* was made on 16 April 2025. This relates to matters alleged in the notice, which was issued on 9 May 2025, after the application for planning permission was made. On this basis, the appeal on ground (a) is barred by s174(2A) of the 1990 Act.
7. Only the appeals on ground (g) remain to be considered. A site visit would not assist in my determination of the ground (g) appeals. The appellants and Council have confirmed their agreement that a site visit is not necessary.

Reasons

8. An appeal on ground (g) is that the compliance period specified in the notice falls short of what should be allowed. The notice specifies a period of 12 months within which the steps required to be taken must be complied with.
9. The appellants argue that their personal circumstances demonstrate a need for accommodation that has no prospect of being met elsewhere in the immediate future. They claim the absence of suitable available alternative sites threatens the health, safety and welfare of the appeal site's occupiers, which includes several children. They accept that a period of 12 months is typically reasonable and proportionate within which this type of use should cease. They are however seeking a compliance period of 18 months for steps (ii) to (vi).
10. The appellants are not seeking to extend the period for ceasing the use or removing all mobile homes, caravans and mobile welfare blocks from the land. The harm arising from the unauthorised development would therefore be largely addressed within the 12 month period that is accepted by the appellants to be reasonable.
11. The appellant has not provided any information relating to what works are required to secure the removal of the specified items or the likely time that such works would take. However, works such as the removal of septic tanks, hardcore and concrete foundations could not be removed until the use has ceased, and the mobile homes, caravans and mobile welfare blocks have been removed. In order that the appellants have a full 12 months to cease the use, a longer period to return the land to its condition before the development occurred is therefore justified.
12. The necessary works to return the land to its condition before the breach took place are not extensive or unduly difficult. Allowing an additional period of 6 months would therefore be excessive.
13. While arrangements may have to be made to remove items set out in steps ii), iii), iv), v) and vi), there is no reason why they could not be made in advance of the use ceasing, with necessary works arranged to take place immediately after the use has ceased. An additional period of 1 month would therefore be reasonable. I shall vary the period for compliance accordingly.

Conclusion

14. For the reasons given above, I conclude that the period for compliance with the notice falls short of what is reasonable in respect of steps ii), iii), iv), v) and vi). I shall vary the enforcement notice prior to upholding it. The appeals on ground (g) succeed to that extent.

M Madge

INSPECTOR