



Appeal Decisions

Site visit made on 16 September 2025

by **AJ Steen BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23rd October 2025

Appeal A Ref: APP/M1710/C/25/3369531

Appeal B Ref: APP/M1710/C/25/3369532

Appeal C Ref: APP/M1710/C/25/3369533

Appeal D Ref: APP/M1710/C/25/3369534

Land adjacent to Sohcahtoad, Hollywater Road, Bordon, Hampshire GU35 0AE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- Appeal A is made by Mr Jesse Goddard, appeal B by Mrs Jane May Goddard, appeal C by Mr Horace Kempster and appeal D by Mrs Shannon Kempster against an enforcement notice issued by East Hampshire District Council.
- The notice was issued on 17 July 2025.
- The breach of planning control as alleged in the notice is within the last 10 years and without planning permission - the material change of land to a residential use, comprising the stationing of mobile homes for residential purposes, and associated operational development, including hardstanding, septic tank, and erection of a wooden building.
- The requirements of the notice are to:
 - i. Cease the residential use of the Land
 - ii. Remove all caravans from the Land
 - iii. Remove all residential paraphernalia from the Land
 - iv. Remove any buildings and temporary structures from the Land
 - v. Remove the septic tank and associated drainage works from the Land
 - vi. Remove all areas of hardstanding from the Land.
- The period for compliance with the requirements is: 9 months.
- The appeals are proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 (as amended).

Summary Decision: The appeals are dismissed and the enforcement notice is upheld with a correction and a variation in the terms set out below in the Formal Decision.

Preliminary Matters

1. The enforcement notice relates to a material change of use of the land. However, the breach of planning control described in the notice refers to a “material change of land”. That is unclear as to whether the breach relates to a use or operational development. Nevertheless, the breach and notice as a whole are clear that it relates to use and associated operational development. I will correct the breach for clarity.

The Appeal on Ground (g)

2. An appeal on this ground is that the period specified in the notice for compliance falls short of what should reasonably be allowed. The appellant suggests that the period for compliance should be extended to 18 months.

3. The Council accept that there is an undersupply of Gypsy and Traveller pitches within East Hampshire and that there is a significant unmet need for pitches within the area. The effect of this is that it would be difficult for the appellants to find alternative

accommodation for their families within the local area. An extension of the period of compliance would allow more time for suitable sites to be identified, perhaps through the Local Plan process, and come forward to meet the needs of the appellants.

4. I am aware and have taken account of the appellants' rights under Article 8 of the European Convention on Human Rights that is given effect through the Human Rights Act 1998. This provides right to respect for private and family life and the home. This includes in relation to the caravans that provide homes for the occupiers of this site. Nevertheless, I need to balance the fundamental rights of individuals against the legitimate interests of others and the wider public interest.

5. My attention has been drawn to the additional needs of family members living on the site. These include elderly parents, young husband and wife and a child with autism. As a result, they are particularly vulnerable individuals. I am mindful that the site occupants would be likely to become homeless and would need to return to travelling, including possibly staying on the roadside. There is a risk this would result in children being removed from their current education provision. It would make links to health care more difficult. Overall, moving will affect the welfare of the individuals and family group and needs to be taken into account in coming to my decision.

6. The need to find accommodation within the local area is highlighted by the fact that there is at least one child living on the site who is enrolled in a suitable school that meets their individual needs. Any compliance period needs to take into account of the best interests of the child in accordance with Article 3 of the United Nations Convention on the Rights of the Child, which is a primary consideration in determining this appeal. No other consideration is more important than the best interests of the child, nor can it carry greater weight in my decision. Clearly, sufficient time needs to be provided to minimise any impact on children's education during compliance with the notice.

7. I am aware that any extended period of compliance will mean any effects on the Wealden Heath (Phase II) Special Protection Area (SPA) will continue for a longer period. The SPA seeks to protect bird populations, particularly nightjar, woodlark and Dartford warbler, for which it was classified. These are threatened by disturbance, particularly from recreational disturbance and dog-walking, although the appellants indicate they do not use the SPA for those purposes. My attention has been drawn to the potential for a number of windfall dwellings to be provided within 400m of the SPA, although the Council suggest that number has been exceeded. I note that the distance to the closest accessible point may be slightly beyond 400m. For these reasons, I consider that any additional dwellings in this location, including the caravans subject of this notice, may contribute in a small way toward likely significant effects on the integrity of the SPA in combination with other plans or projects.

8. The Habitats Regulations do not affect my consideration of this appeal under ground (g). It is not necessary to carry out an appropriate assessment or consider any imperative reasons of overriding public interest given that this only relates to considerations of the period for compliance.

9. I note that, should the appellants be forced to move to the roadside, they may stay in close proximity to the SPA given their links to this area. However, it is unclear whether that would be the case such that this does not outweigh the harm I have found in relation to this issue.

10. The site is mainly located within flood zone 1 with part of the western end being within flood zone 3. The site has been laid with hard surfacing over a substantial area, albeit porous, with modest sheds and caravans. This will have some effect on water run-off from the site that could lead to an increased flood risk elsewhere. Those effects will continue until such time as the notice is complied with.

11. My attention has been drawn to another appeal decision reference APP/M1710/C/24/3347356 et al. That appeal was on a number of grounds and linked to an appeal under section 78 of the Act that planning permission should be granted. The ground (g) appeal in that case was clear that, had the Inspector been able to conclude that the development would not have any significant adverse impact on the nearby protected habitats sites, they would have been minded on balance to allow that appeal. That differs from this case in that there are also effects on flooding in this case and the personal circumstances of the appellants will be individual to the cases. Nevertheless, given it is the same Council area the lack of supply of Gypsy and Traveller accommodation will be very similar. I note a pragmatic approach to the effects on the SPA in the case of conversion of a single dwelling to two dwellings and conversion of outbuilding to create one dwelling at Woodside, Hewshott Lane, Liphook GU30 7SS but I have limited information to understand how that development compares with this case.

12. For clarity, it is not for me in an appeal under ground (g) to consider whether the reasons for issuing the notice are correct, or whether there are other material circumstances, such as the need for Gypsy and Traveller sites, that would outweigh any harm identified. My powers extend only to considering whether the period for compliance is reasonable and, if not, vary the notice to provide a different period for compliance.

13. It is suggested that the appellants had the opportunity through the course of the Council's investigations relating to this use and the planning process to consider alternative living arrangements. I note that their application, reference EHDC-24-0107-FUL, for the stationing of caravans for residential purposes, construction of associated outbuildings and associated landscaping was refused on 3 July 2025 and no appeal has been made against it. It is reasonable for the appellants to wait for the result of that process before seeking alternative accommodation, albeit I have taken account that they should have been aware that they would need to comply with the notice given the appeal has only been made on this ground.

Conclusion

14. I consider that there is a significant risk that the appellants would not be able to find suitable alternative accommodation to meet their needs, particularly taking account of the best interests of the child, within the 9 months provided on the notice. Taking account of all the above factors, I find that period to fall short of what should reasonably be allowed. I consider a 12 month period would be proportionate and reasonable in the circumstances.

15. For these reasons, I conclude that the appeal under ground (g) should succeed and the period of compliance should be extended to 12 months.

Formal Decision

16. It is directed that the enforcement notice is corrected and varied by:

- the deletion of "... the material change of land ..." and the substitution of "... the material change of use of land ..." at section 3 the matters which appear to constitute the breach of planning control; and
- the deletion of 9 months and the substitution of 12 months as the period for compliance.

17. Subject to the correction and variation, the enforcement notice is upheld.

AJ Steen

INSPECTOR