



Appeal Decision

Site visit not required

by **D Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 OCTOBER 2025

Appeal Ref: APP/Y3940/C/25/3369154

Land north of 34-39 Clyffe Pypard, Wiltshire, SN4 7PY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Leeroy Johnstone against an enforcement notice issued by Wiltshire Council.
 - The notice was issued on 20 June 2025.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use of the Land for the siting of caravans for residential accommodation and operational development integral to the material change of use of the Land comprising a) the formation of a hardstanding; b) the erection of outbuildings; c) and the erection of boundary fencing.
 - The requirements of the notice are to 1) cease the use of the Land for the siting of caravans for residential accommodation; 2) remove the caravans from the Land; 3) remove all residential chattels and paraphernalia from the Land; 3) demolish all buildings on the land and remove all resultant material from Land or in the alternative remove all buildings from the Land; 5) demolish all areas of hardstanding on the Land (excluding drain cover surrounds such as the small area of concrete surrounding the drain covers shown in the attached document entitled "Notice Photograph") and remove all resultant material from the Land; and 6) lower all boundary fencing so that no part is greater than one metre in height when measured from natural ground level, part from boundary fencing between the points A to B, B to C, C to D, and D to E shown in the attached plan entitled "Notice Plan".
 - The period for compliance with the requirements is within twelve months from the date that the notice comes into 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).
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Decision

1. The appeal is dismissed, and the enforcement notice is upheld.

Ground (g) appeal

2. The appeal on ground (g) is made on the basis that the period specified in the notice in accordance with section 173(9) of the Act falls short of what should reasonably be allowed.
3. The appellant's ground (g) appeal claim is that *'we do not necessarily agree that a 12 month period for compliance is unreasonable in principle, when the paramount importance of the children's welfare is taken into account' and 'any 12 month period for compliance with the requirements of the enforcement notice, should only commence from the date the Planning Inspector decides on appeal APP/Y3940/W/25/3364716'.*
4. It is noteworthy that only ground (g) of section 174(2) of the Act is pleaded in this case. Consequently, the appellant has appealed for the sole reason of securing more time and in the expectation that the enforcement notice will be upheld as it was issued. Given this, I can take account of the time that has lapsed since the

issue of the enforcement notice in deciding what period for compliance is reasonable. However, as part of this appeal it is not possible for me to make the compliance period more onerous for the appellant, i.e., to reduce the compliance period down from twelve-months.

5. I am mindful that a refused planning application for Traveller pitches on the land has recently been the subject of an appeal made under section 78 of the Act¹. In that regard, it was a legitimate and reasonable expectation on the part of the appellant to be successful in respect of that section 78 appeal. That said, this is not a matter which justifies any delay from the point of view of determining the enforcement notice appeal. This is because section 180 of the Act states that where, after the service of an enforcement notice, planning permission is granted for any development carried out before the grant of that permission, the notice shall cease to have effect so far as inconsistent with that permission.
6. I have read the dismissed section 78 appeal decision and find that it is a relevant material consideration from the point of view of specific comments made by the Inspector which are of direct relevance to the matters that are pertinent to the consideration of this ground (g) appeal, including the personal circumstances of the occupiers of the site. The Inspector also reaches conclusions about planning harms that are also identified in the issued enforcement notice.
7. When the identified planning harms in the issued enforcement notice are considered, and also in the context of relevant conclusions reached by the section 78 appeal Inspector, and weighed against the personal circumstances of the occupiers of the site who are Travellers, the best interests of the children (including an unborn child), the absence of any currently available alternative Traveller pitches in the area, and the resultant loss of homes on the land, I find that a compliance period of twelve-months strikes a reasonable and proportionate balance in terms of bringing the unauthorised development to an end in the public interest, while also considering the rights of the occupiers of the land as conveyed in Article 8 of the European Convention on Human Rights, as incorporated into the Human Rights Act 1998, and in terms of exercising my public sector equality duty under section 149 of the Equality Act 1998.
8. The above finding does in fact reflect what the appellant has essentially requested as part of this appeal. There is therefore no dispute between the main parties in respect of this ground (g) appeal. The section 78 appeal decision has just been issued, and the twelve-month compliance period runs from the date of this decision.
9. To the extent that I have concluded that the compliance period in the enforcement notice is reasonable, and hence shall not be varied, I conclude that the ground (g) appeal fails.

Other Matter

10. I have considered the representation made by Green Square Accord Limited and the claim made that there have been breaches of restrictive covenants on the land. This is not a matter that is of direct relevance to the ground (g) appeal. I have also considered the representation made by another interested party. I have addressed relevant matters above.

¹ Appeal decision APP/Y3940/W/25/3364716 dated 22 October 2025

Conclusion

11. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

D Hartley

INSPECTOR