



Appeal Decision

Hearing held on 24 February 2026

Site visit made on 24 February 2026

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 9th March 2026

Appeal Ref: APP/Y0435/C/25/3373393

Land west of High Street, opposite Gun Lane, Sherington, Milton Keynes, Bedfordshire, MK16 9PE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Ms Jessica Dodd against an enforcement notice issued by Milton Keynes Council.
 - The notice was issued on 3 September 2025.
 - The breach of planning control as alleged in the notice is 1. The unauthorised change of use of the land for the stationing of mobile homes and caravans for human habitation (see Appendix 2 as outlined in orange); and 2. The unauthorised operational development in the form of the laying of tarmac and hard surfaces within part of the land (see Appendix 2 as outlined in orange and blue).
 - The requirements of the notice are (i) Permanently remove from the Land the tarmac and all other hard surfaces laid on part of the Land, including the access track (see Appendix 2 to indicate the areas of the Land that have had hard surfaces and tarmac laid); (ii) Permanently cease the use of the land for residential purposes and permanently remove from the Land all caravans stationed upon it; and (iii) Permanently remove from the Land all materials and debris that arise from carrying out the steps (i) and (ii) above.
 - The period for compliance with the requirements is: 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the unauthorised change of use of the land for the stationing of mobile homes and caravans for human habitation and the unauthorised operational development in the form of the laying of tarmac and hard surfaces within part of the land at land west of High Street, opposite Gun Lane, Sherington, Milton Keynes, Bedfordshire, MK16 9PE as shown on the plan attached to the notice and subject to the conditions in the attached conditions annex.

Preliminary Matters

2. The background to this appeal is that the appellant and her extended family, comprising five separate family units, moved onto the site and set about constructing a permanent caravan site with fencing and gravel hardstanding, without applying for planning permission. They are also accused of being involved in illegal dumping of waste at the top of the site. This latter issue is being dealt with by the Environment Agency who are in the midst of an investigation. Although this has understandably angered a number of local residents it is not related to the

appeal before me, which is about the suitability of the site for gypsies and travellers and I make no further comment on the dumping issue.

The Appeal on Ground (a)

3. The site lies in gently undulating countryside just outside the village of Sherington. A track has been built alongside a hedgerow to provide access to the 'L' shaped site and a substantial part of the lower half of the 'L' has been gravelled to provide space for a number of touring caravans. The appellant made it clear that if granted planning permission, 5 mobile homes and 3 touring caravans were required. The provision of a day room is not part of this appeal.
4. The main policy for gypsy sites is HN11 of the Milton Keynes Plan (2019). This says that new permanent sites will be permitted provided that 8 criteria are met. The Council accept that criteria 1 (no more than 15 pitches), 3 (readily accessible to services) and 4 (well related to roads) are met. Issues therefore remain about criteria 2 (genuine need), 5 (landscape character), 6 (space for facilities), 7 (compliance with policies NE1-6) and 8 (affect a site of conservation interest). These then are the main issues.

Criterion 2 – Genuine Need

5. The Council accept they do not have a 5 year supply of gypsy sites and so the tilted balance from paragraph 11d of the NPPF is engaged, but that does not automatically mean there is a genuine need for the site. The Council were concerned the appellant had an alternative home in Ireland as revealed on the auction details when purchasing this site. However, this was explained to be the appellant's sister's home which she uses as a permanent address. Otherwise they are mostly travelling and either doubling up on other sites or on the roadside. I am aware this is not an unusual situation, especially for Irish travellers and I am satisfied they have no alternative accommodation so criterion 2 is met.

Criterion 5 – Landscape Character

6. The Landscape Character Assessment of the area describes the condition of this part of the District as moderate, due to the fragmentation of historic field patterns and low and fragmented tree cover. I agree with the appellant's assertion that Gypsy sites are often found in the countryside and there is nothing inherently unacceptable about a rural setting provided any harm is minimised or mitigated. In this case the site is some distance from the road but lies directly adjacent to a public right of way.
7. As I saw when walking the area, the PROW is separated from the site by a thick hedge and, currently, a new close-boarded fence. Views of the site from beyond the fenced area are very limited, even at this time of year. From further along the PROW the local topography screens the site from view. Distant views of the tops of the caravans can be seen from the road and local residents said they could see the site from their houses. This is most likely from a new housing development in Hazelmead Drive, but from here the views are distant and across several hedgerows.
8. The proposed mobile homes would be more visible than touring caravans but with some extra planting on the southern and eastern boundaries the site would not be

invisible but would certainly be well screened. In my view the site does “*minimise impact on landscape character*” and so is in conformity with criterion 5.

Criterion 6 – Size of the Site

9. The concern over this criterion was essentially that there was no site layout plan. However, as I saw there is plenty of room on the currently gravelled area for the 5 pitches requested, for extra landscaping and any facilities as required by the need to meet criterion 7. A children’s play area has been formed, and there is plenty of room for that to be incorporated into the site layout. I have no concerns over the size of the site.

Criterion 7 – Compliance with Policies NE1-6

10. This is the nub of the Council’s concern. The relevant policies are NE2 (protected species), NE3 (biodiversity), NE6 (pollution) and NE7 (agricultural land). Although NE5 was also mentioned this deals with landscape character which is dealt with above.
11. There was much discussion about the impact on protected species and on biodiversity, especially as the works have already been carried out. I agree therefore it is impossible to know what species may have been resident or harmed by the hardstanding. However, it is fair to say the land was previously (and most of the site still is) heavily managed grazing, and so is not likely to have been a species rich environment. This is echoed in the appellant’s PEA¹ which said “*the habitats at the site and populations of the above species [bats, newts, reptiles, nesting birds, badgers and other mammals] are likely to be of value at site level only. It is highly unlikely that the site could support diverse assemblages or large populations of noteworthy species*”.
12. The site is adjacent to the Hazelmead Farm Local Wildlife Site, but no direct impacts on that were identified. Yes, it is possible there were badger sets on the site before it was gravelled, but that seems unlikely to me on a flat grassy paddock. If there has been any harm to protected species than it is likely to have been minor.
13. On the question of biodiversity, the 10% net gain requirement does not apply, but the site should show an improvement. Given the amount of space, the large hedgerows and trees and the opportunities for further planting of native species (not laurel that seems to be so loved by the traveller community) I can see no reason why compensation and enhancement measures cannot be secured for a very modest site in an already somewhat denuded landscape.
14. Policy NE6 concerns environmental pollution and in particular in this case contaminated land. This turns on the hardcore that underlies the track and gravelled living area. The Council, and local residents suspect this may well be contaminated. The Council and residents saw general rubbish and plastic being dumped on the site as part of the ground works. This is denied by the appellant who provided a letter from D B Standing and Son who are base material merchants. This letter, dated from last week, says all the material they supplied to the appellant was clean crushed, free from waste or timber and is regularly tested. An example of the testing certificate was also supplied, dating from last year. I

¹ Preliminary Ecological Assessment

have no reason to doubt this, but it does not tell me how much material was delivered or what else was added on site. The Council's photograph of a small area showed a crushed plastic bottle and what could easily be other bits of plastic waste embedded in the hardcore, and I saw the same on the track leading up to the rear of site.

15. Taking this altogether I am not satisfied the material used on the site was all environmentally neutral, but equally there is no evidence that any of it is harmful. The appellant suggested conditions could deal with this, and this is certainly possible. I shall discuss this below.
16. Finally NE7 says that lower quality agricultural land should be used in preference to better quality. The cut off point is grade 3b (lower) not 3a (higher). Unhelpfully the site is classed as grade 3. I am no expert but would be inclined to believe the rough grassland was more likely to be 3b than 3a, but I have no evidence either way.

Flooding and Drainage

17. In my view this is a more serious issue, as the site lies slightly higher than the village which already has issues with flooding and part of the site lies within the Sherington Critical Drainage Catchment, which requires all new development to make sure the existing situation is not made worse. There is also a possibility of run-off towards the Hazelmead LWS. Such run-off would be made worse if the hardstanding material was contaminated, so these two issues are linked. The underlying soil may well be clay so the usual way of dealing with drainage by using soakaways may not suffice, there may need to be a more technical solution. The Council were concerned that pumping may be involved.
18. I have no evidence either way as to the drainage problems, but in my experience small rural sites, whatever the underlying soil, can be dealt with fairly easily. Installing a pumped solution would be very much a worse-case scenario and given the gentle gradients and the size of the site seems highly unlikely to me. The appellant's solution was a condition, which I shall discuss below.
19. The final issue was lack of foul drainage, but again that is not unusual on sites such as these and can be dealt with either by a packet treatment plant or a cess-pit and this can be secured by condition. Apparently, water and electricity can be obtained from the road at the bottom of the access track. At the moment the site uses a generator which is not a long-term solution.

Conditions

20. I agree with the Council that it is highly unsatisfactory that none of the issues discussed above have not been already planned for. However, being annoyed is not a reason for refusal, and I have some sympathy with the lack of desire on the part of the appellant to invest in the various reports needed when they may not get permission to stay. The result is that they and the local residents are caught up in an unhelpful loop of uncertainty, which this appeal is designed to resolve.
21. To that end it is clear to me that most of the problems can be dealt with by a condition. Before any further works are carried out on site, particularly moving on mobile homes, the question of contamination needs to be sorted out and whether any remedial works are required. Then drainage can be dealt with and once the

need for any below surface pipework etc is resolved the site layout, foul drainage and landscaping can be agreed, along with any bio-diversity measures. Then the appellant can begin to develop the site on a permanent basis.

22. Other conditions concerning restricting the site to gypsies and travellers, numbers of caravans, commercial activity, external lighting, HGVs, fences and waste storage and recycling facilities are also required as agreed at the Hearing.

Conclusion

23. The Council do not have a 5 year supply of traveller sites so the tilted balance from paragraph 11d of the NPPF comes into play and planning permission should only be refused if the adverse impacts would significantly and demonstrably outweigh the benefits. In this case the benefits are providing a fixed base for 5 gypsy families who would otherwise be on the road and so contribute to the Council's policy requirement to maintain a supply of gypsy sites. There has undoubtedly been some impact on local species, but in my view that is likely to have been minor. There is scope to provide the necessary enhancements for bio-diversity requirements. It is likely the hardstanding contains foreign material but whether that is harmful in terms of run-off can be determined and dealt with as can the lack of drainage both for flooding and foul water purposes. It is possible that some grade 3a agricultural land would be lost, but if so the amount is small and the overall harm negligible. Consequently, I do not find the limited harm I have identified outweighs the benefits. The site is suitable for occupation of up to 5 gypsy families and I do not need to consider their personal circumstances.
24. I shall quash the enforcement notice and grant planning permission for the permanent occupation of the site by 5 gypsy families subject to the conditions discussed above.

Simon Hand

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Brown (Agent)

Jessica Dodds (Appellant)

Mr Corcoran

FOR THE LOCAL PLANNING AUTHORITY:

Tamlin Barton (Enforcement)

Victoria Barnett (Enforcement)

Kate Parsons (Ecology)

Rachael Kilgallon (Flooding)

INTERESTED PARTIES:

Mary-Anne Tilford

Tony Hughes

David Keene

Pete Searle

DOCUMENTS

1. Copy of letters from D B Standing
2. Text of Parish Council concerns read out at Hearing

Annex A – Conditions

1. The site shall not be occupied by any persons other than Gypsies and Travellers, as defined in Annex 1 of the Planning Policy for Traveller Sites (PPTS) by the Department for Ministry of Housing, Communities & Local Government December 2024 or any such document that updates or supersedes the PPTS.
2. There shall be no more than 5 pitches, with each pitch containing no more than 1 static caravan. There shall be no more than 3 touring caravans on the site at any one time, (with 'caravan' defined by the Caravan Sites and Control of Development Act 1960 as amended and the Caravan Sites Act 1968 as amended).
3. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
4. No commercial activities shall take place on the land at any time, including the storage of materials.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order, with or without modification), no fences shall be installed within the site except for post and rail timber fencing up to 1.2m in height, except for those agreed as part of any of the schemes in condition 6 or 8 below.
6. The use of the site for residential purposes shall permanently cease and all caravans stationed upon it and tarmac and other hard surfaces laid on it shall be removed along with any associated debris arising from the site within 10 months of the failure to meet any one of the requirements set out in i) to iv) below:
 - (i) Within 6 months of the date of this decision schemes for A (soft landscaping scheme); B (a sustainable drainage strategy); C (foul drainage strategy); D (landscape and Ecology Management Plan); E (external lighting); F (waste and recycling storage); G (Bio-diversity compensation scheme BCS); H (phased contamination risk assessment PCRA) – details of what these schemes should contain are in condition 7 below – shall be submitted for approval by the local planning authority and:
 - (ii) If within 3 months of the date of receipt of the schemes the local planning authority refuse to approve the details or fail to give a decision within the prescribed period, of any of the schemes, an appeal shall have been made to, and accepted as validly made by, the planning inspectorate.
 - (iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the planning inspectorate.

- (iv) The schemes shall be implemented in full in accordance with the timetables described in condition 7 below and thereafter subsequently retained.

7. The Schemes referred to in condition 6 above shall include the following

Scheme A shall include planting plans with schedules of plants noting species, supply sizes and proposed densities, tree planting details and maintenance information. The planting plans shall also include existing trees and/or hedgerows to be retained and/or removed accurately shown with root protection areas (in particular the mature Ash tree within the hedge bounding the east of the occupied area); existing and proposed finished levels; proposed and existing functional services above and below ground. If within a period of five years from the date of the planting of any tree or shrub (ten years in the case of trees), that tree or shrub, or any tree and shrub planted in replacement for it, is removed, uprooted or destroyed, dies, becomes severely damaged or diseased, shall be replaced in the next planting season with trees and shrubs of equivalent size, species and quantity. Thereafter the hard and soft landscape works shall be retained in situ. The landscaping scheme shall also include a method statement for the execution of soft landscaping works within the root protection areas of retained trees. The approved scheme shall have been carried out and completed within the first planting season following approval.

Scheme B shall include detailed design, management and maintenance plan for surface water drainage for the occupied part of the site and the track. The approved scheme shall be implemented within 4 months of its approval.

Scheme C shall include a strategy to ensure foul drainage is dealt with in particular so there is no leakage to the water table or surrounding fields. The approved scheme shall be implemented within 4 months of its approval.

Scheme D shall include details of both habitat and faunal enhancement measures. The approved scheme shall be implemented within 4 months of its approval and the habitat enhancement completed within the first planting season following approval.

Scheme E shall demonstrate that light spill onto foraging corridors for bats has been minimised as far as is practicable. The agreed scheme shall be implemented in full within 4 months of approval.

Scheme F shall include details of all waste and recycling facilities to be provided. The agreed scheme shall be implemented within 4 months of approval.

Scheme G shall be prepared by suitably qualified ecologist, and shall include: (i) full details of a biodiversity metric assessment (utilising the statutory biodiversity metric published by DEFRA), including habitat

condition assessment sheets, to demonstrate that the scheme will not result in a net loss of biodiversity from an agreed pre-development baseline for habitat and hedgerow elements of the metric as applicable; (ii) details, including plans and habitat descriptions as necessary, of a post-development scheme of habitat creation and enhancement; (iii) detailed method statement for the successful establishment of created or enhanced habitats and features stated in the BCS; (iv) full details of on-going habitat management for the scheme to achieve relevant habitat condition criteria; (v) the scheme shall secure no net loss of biodiversity on-site, with any short fall secured through off-site enhancement or, as a last resort, through the purchase of credits; and (vi) a timetable for implementation of the BCS.

Scheme H shall be carried out by a suitably qualified environmental health practitioner in accordance with current government guidance and Environment Agency Guidance and Approved Codes of Practice, and shall include: Phase 1 – a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model. If potential contamination is identified in Phase 1 then a Phase 2 investigation shall be undertaken; Phase 2 – a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risk to receptors and if significant contamination is identified to inform a Phase 3 remediation strategy; and; Phase 3 – a remediation strategy to ensure the site will be rendered suitable for its approved use, including a timetable for its implementation.

8. Following approval and implementation of Schemes A to H – or at some other time as agreed in writing by the local planning authority a site layout plan shall be submitted in writing to the local planning authority, which shall include the layout of the 5 pitches, location of mobile homes and touring caravans, parking and manoeuvring areas and outdoor amenity areas. Once agreed by the local planning authority the site layout plan shall be implemented in full and thereafter retained.
9. No mobile homes shall be brought onto the site until a site layout plan as referred to in condition 8 above has been agreed. Once the mobile homes are in place any remaining elements of the site layout plan shall be implemented within 3 months.

End of conditions