



Appeal Decisions

Site visit made on 28 January 2026

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

an Inspector appointed by the Secretary of State

Decision date: 10 March 2026

Appeal A Ref: APP/G2245/C/25/3373386

Appeal B Ref: APP/G2245/C/25/3373387

Appeal C Ref: APP/G2245/C/25/3373388

Appeal D Ref: APP/G2245/C/25/3373389

Land at Seasons Farm, Pootings Road, Crockham Hill, Edenbridge, Kent TN8 6SD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- Appeal A is made by Mr Thomas O'Brien, appeal B by Mr William Harrington, appeal C by Mr John Quilligan and appeal D by Mr Thomas Coffey against an enforcement notice issued by Sevenoaks District Council.
- The notice was issued on 29 August 2025.
- The breach of planning control as alleged in the notice is without planning permission, the material change of use of the land from use for agriculture to residential use including the siting of caravans, mobile homes and utility buildings ("the Material Change of Use") and associated operational development in the form of the creation of a new access, the laying of hardstanding consisting of tarmac and hardcore membrane and the installation of cesspits ("the Operational Development") ("the Development").
- The requirements of the notice are to:
 1. Cease the residential use of the Land.
 2. Remove all mobile homes, caravans and portable/utility buildings placed on the Land from the land.
 3. Remove all paraphernalia associated with the residential use including but not limited to, vehicles and trailers.
 4. Remove the hard standing consisting of tarmac and hardcore and membrane as marked blue on the Location map.
 5. Remove the cesspits as marked yellow on the Location map.
 6. Return the land to its condition prior to the breach took place by levelling the ground and re-seeding.
 7. Remove from the land all building materials and rubble arising from compliance with the above requirements.
- The period for compliance with the requirements is: 3 months.
- The appeal is 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 variation in the terms set out below in the Formal Decision.

Application for costs

1. Applications for costs were made by Sevenoaks District Council and Pootings Residents Association against Mr Thomas O'Brien, Mr William Harrington, Mr John Quilligan and Mr Thomas Coffey. These applications are the subject of a separate Decision.

The Appeals 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 appellants suggest that a period of 12-15 months would be reasonable.
3. It is suggested that the appellants and their families, who live on the site, would suffer undue hardship if they were required to cease residential occupation in the timescale required by the enforcement notice. They suggest that alternative accommodation would mean living by the roadside if insufficient time is allowed for them to find suitable alternatives.
4. The site accommodates 4 families, including a number of children, some of whom attend local schools. A number of the residents have various health needs that mean they are vulnerable, including in relation to stress and anxiety blamed on hostility and the threat of losing their home. I note questions as to the qualifications of the person who prepared the reports, lack of supporting documentation relating to the health of the occupants and that these were prepared primarily for the appeal under ground (a) that was unable to proceed. That affects the weight I can give to the welfare reports.
5. If the occupants were required to move away from this site it may affect their ability to access education and healthcare, particularly if they had to live by the roadside. It is reasonable to take account of the likely effect of complying with the notice in terms of access to education and healthcare by the residents. This includes the best interests of the children; no other consideration can be inherently more important than the best interests of the child. I am mindful of rights under the Human Rights Act 1998 and must have due regard to the Public Sector Equality Duty. A reasonable period must allow time for the appellants to find suitable alternative accommodation taking account of these factors.
6. Three months would be a short timescale to find an alternative site, obtain planning permission for its use, if necessary, and develop it to meet the needs of the families. Taking account of their education and health needs, any site would need to be accessible to suitable schools and healthcare. I note the Council accept that it is in the best interests of the children and other occupiers to seek permanent and lawful accommodation as soon as possible. It is unlikely such a site could be found in the period specified in the notice. I consider a period of 12 months would be reasonable taking account of these factors.
7. I note that the appellants have spent periods away from the site, which is likely to reflect their nomadic habit of life referred to in the definition of Gypsies and Travellers in the planning policy for traveller sites.
8. I understand that a high pressure oil pipeline runs under the site and may be affected by development on the ground above the pipeline. There is a risk to the pipeline from the continued use of the site and from the works required to cease the use and remove the development that has taken place, highlighted in the report by Martin G Consulting. However, the pipeline operator has commented that there is adequate short term, temporary measures in place for plant and vehicle crossings to protect the pipeline. Additional measures would be required in the medium to long term. Notes from a site visit by a representative of the operator suggest that it is only the access drive over the pipeline that affects the pipeline and site traffic only used a consented crossing point. Other regulatory regimes and the requirements of the operator of the pipeline may need to be involved in

arrangements for removal of the development. On this basis, I consider there are limited risks in allowing the development to remain for a longer period than specified in the notice. In addition, a longer period for compliance would ensure appropriate measures are in place for the removal of the development in order to protect the pipeline.

9. My attention has been drawn to the residents' access to water and electricity, drainage, sewerage and the potential for the land to be contaminated. However, this needs to be balanced against the above considerations and alternative accommodation. For the reasons given, the likely alternative if the period of compliance is too short would be living on the roadside where there may be less access to these utilities.
10. My attention has been drawn to concerns relating to the effect of the access on highway safety. The site is located on the outside of a slight bend in Pootings Road but has short visibility splays in either direction. Reference has been made to a near miss as a van left the site. Comments of the highways authority suggest that wider visibility splays would be required if the development were to be permanently retained, taking account of the scale of the development. I accept that extending the period for compliance would extend the risks of an accident in this location and will take this into account in coming to my decision.
11. The access and area around the caravans has been surfaced with a permeable surface that has affected how water infiltrates the ground and runs across the site and there is a risk of flooding across the site itself. This is likely to have resulted in effects on flooding, particularly surface water flooding, in the vicinity of the site. There is potential for contamination risk from the sewage system and that this will pollute surrounding watercourses. These effects will remain until the enforcement notice has been complied with and must be considered in relation to the period of compliance with the notice.
12. The development is subject of a planning application that was invalid at the time the enforcement notice was issued. My attention has been drawn to *Ioannou v SSCLG & Enfield LBC* [2014] EWCA Civ 1432 that states it was open to the Inspector to allowing time for a planning application for an alternative scheme. However, I need to consider this appeal as if the harms outlined in reasons for issuing the notice are taking place. *R (on the application of Seventeen De Vere Gardens (Management) Ltd) v Kensington and Chelsea RLBC* [2016] EWHC 2869 (Admin) approved an Inspector's approach of allowing a reasonable amount of time to enable the submission of a revised planning application.
13. I note that, in this case, the planning merits have not been considered through application or appeal and, as a planning application for the development was under consideration (albeit invalid), an appeal on ground (a) could not be made. The period suggested would be sufficient to allow further information be submitted such that the application could be validated and determined. Whilst that would be the case, that would not be a reason, of itself, to extend the period for compliance in this instance.
14. I understand that the Council have granted other Gypsy and Traveller sites within the district. They suggest that the appellants could secure an alternative site and they would be pro-active in dealing with an application for such development. However, I consider it is not reasonable for the appellants to find a site and obtain

planning permission for its development within the 3 months specified on the notice.

15. I note that the appellants carried out the works to move onto the site on a short timeframe and, similarly, could complete the physical move away from the site quickly. It has been suggested that they also appear to have the financial means. I accept that is the case, subject to the removal taking account of any effects on the oil pipeline under the site.
16. The development comprises intentional unauthorised development as referred to in the Written Ministerial Statement of December 2015. I understand that it took place across a Bank Holiday weekend and that may have caused harm to local residents. Nevertheless, the appellants need a reasonable amount of time to find suitable alternative accommodation for their families.
17. There is a suggestion that further works have taken place in breach of an injunction and the Council are pursuing that through the courts. I have taken that into account, insofar as I am able, in coming to my decision. Any additional works beyond that set out in the notice or in breach of the injunction have not affected my consideration of the timescale for complying with the notice.
18. Taking account all of the above, I consider that the need to find suitable alternative accommodation for the site occupiers outweighs other factors and a longer period of 12 months for compliance with the notice is reasonable.
19. For these reasons, I conclude that the appeal under ground (g) should succeed.

Formal Decision

20. It is directed that the enforcement notice is varied by the deletion of 3 months and its substitution with 12 months as the period for compliance.
21. Subject to the variation, the enforcement notice is upheld.

AJ Steen

INSPECTOR