



Appeal Decision

Hearing held on 27 January 2026

Site visit made on 27 January 2026

by Thomas Shields DipURP MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2026

Appeal Ref: APP/B9506/C/25/3374397

Kensington Lodge, Main Road, Dibden, Southampton, SO45 5TD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (“the Act”).
 - The appeal is made by Mr Wayne Griggs against an enforcement notice issued by New Forest National Park Authority.
 - The notice was issued on 25 August 2025.
 - The breach of planning control as alleged in the notice is Without planning permission:
 - i. the making of a material change of use of the land for the stationing of a caravan for residential purposes to provide a single gypsy / traveller pitch;
 - ii. operational development comprising a storage container and the formation of hard surfacing.
 - The requirements of the notice are to:
 - i. Cease the use of the Land for residential purposes.
 - ii. Remove all caravans from the Land.
 - iii. Remove all residential items/paraphernalia from the Land
 - iv. Remove the hard surfacing from the location shown hatched black on the plan attached to this Notice from the Land
 - v. Remove the storage container from the location shown shaded blue on the plan attached to this Notice from the Land
 - vi. Remove all material and debris resulting from compliance with steps (i) to (vi) above from the Land.
 - The period for compliance with the requirements is 9 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (g) of the Act. 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. It is directed that the enforcement notice be varied in Section 6 by substituting “9 months” for “11 months”.
2. Subject to the variation the appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the Act.

Application for Costs

3. An application for costs was made by the New Forest National Park Authority (NPA) against the appellant. That application is subject of a separate Decision.

Appeal on ground (c)

4. Section 55 of the Act defines “development” to include building, engineering or other operations, or the making of any material change in the use of any buildings or other land. A “breach of planning control” defined at s171A(1)(a) includes the

carrying out of s.55 development without the required planning permission. An appeal on ground (c) is made on the basis that there has not been a breach of planning control.

5. The Courts have established that the onus of proof on this ground falls to an appellant with the evidence tested on the balance of probabilities. Accordingly, an appellant is required to provide sufficient evidence in making their case.
6. The initial written submissions on behalf of the appellant in support of the appeal points to previous sub-division of the land and former uses, but makes no argument as to why the current use of the land as alleged, for stationing a caravan for residential purposes, did not constitute a material change of use or otherwise did not require planning permission. There was also no coherent oral argument made in support of this ground of appeal at the Hearing.
7. The NPA's undisputed history of the appeal site was that it was once part of a large garden, subsequently used for storage use, and then occupied as a separate planning unit by the appellant and his family in a caravan for residential purposes.
8. I consider the creation of the new planning unit, together with the operational development that has taken place to facilitate the siting of a caravan for residential use, represents a significant change in the character of the use of the land from its previous activities and use. As such it constitutes a material change of use which took place without the required planning permission. It was therefore a breach of planning control.
9. Consequently, the appeal on ground (c) fails.

Appeal on ground (a)/deemed application for planning permission

Main Issues

10. The main issue in the appeal is whether use of the land as a single pitch caravan site is in a suitable location with particular regard to:
 - (i) the locational need for the site;
 - (ii) the effect on the character and appearance of the area and the scenic beauty of the New Forest National Park (NFPN);
 - (iii) the effects on biodiversity and ecology with regard to the new Forest Special Protection Area (SPA) and the Solent and Southampton SPA; and
 - (iv) whether any resulting harm would be outweighed by other material considerations in the overall balance.

Reasons

Policy background

11. The appeal site is located in the countryside outside of a defined settlement boundary, and within the NFPN.
12. Planning law requires that applications for planning permission are determined in accordance with the NPA's Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) and Planning Policy for Traveller Sites (PPTS) are material considerations in planning

decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements. The Development Plan for the area includes the New Forest National Park Local Plan (2019) (LP).

13. One of the statutory purposes of the national park designation is to conserve and enhance the natural beauty, wildlife and cultural heritage of the area. In this regard Framework paragraph 189 requires the scale and extent of development within national parks to be limited and development within their setting to be sensitively located. Moreover, it advises that great weight should be given to conserving landscape and scenic beauty in national parks, which have the highest status of protection in relation to landscape and scenic beauty.
14. LP Policies DP2 and SP17, taken together, require that new development is appropriate and sympathetic in terms of scale, appearance, form, siting and layout; respects the natural and built environment and landscape character of the NFNP; and does not result individually or cumulatively in erosion of the NFNP's character.
15. LP Policy SP33 relates specifically to provision of pitches for Gypsies and Travellers who meet the definition for such persons in Annex 1 to PPTS. Other than in respect of already allocated sites, new proposed sites are required to demonstrate: that there is a need for the site to be located in the NFNP; the impact of the site on the landscape character of the NFNP is acceptable; and that occupation of the site is restricted to people who have a local connection to the NFNP.

(i) Locational need for the site

16. The NPA argue the appellant has not provided any specific evidence to demonstrate a need for the site at this particular location, or within the NP more widely.
17. However, the NPA acknowledge they do not have a reliable up to date assessment of current need and on that basis cannot currently demonstrate a 5 year supply of deliverable sites. Given these circumstances I find there to be no conflict with the wording of Policy SP33 which states that proposals will be “*...supported ... where it can be demonstrated that there is a need for the site to be located within the National Park*”. There is no other wording within the policy or in its supporting text that indicates any greater demonstration of need, above general need, is necessary to meet the policy requirement.
18. Policy SP33(b) requires that occupancy of the site will be restricted to Gypsies and Travellers with a local connection to the NFNP. This does not place a further restriction on determining the acceptability or otherwise of the *location* of a site. It simply requires that those *occupying* the site to have a local connection to the NFNP. What would constitute a local connection is not defined. However, for reasons I set out later (in “other considerations”) I am satisfied that the appellant does have such a connection.
19. To conclude, I find no conflict with Policy SP33 with regard to these matters.

(ii) Effect on character and appearance of the area and scenic beauty of the NFNP

20. The NPA's Landscape Character Assessment (LCA) provides an assessment and evaluation of key landscape features, attributes, structure and management guidelines for all parts of the NFNP. The appeal site lies within the Hythe and

Ashurst Forest Farmlands Local Character Area (LCA12) which is broken down into 3 sub-areas, with the site falling specifically within '7. Ancient Forest Farmlands', which encompasses Dibden golf course's managed landscape, significant lengths of ribbon development, and open countryside. LCA12 identifies key landscape characteristics and positive attributes including those in the local area of leafy lanes winding through wooded areas with scattered farmhouses along Manor Road extending to the west beyond the A326, Main Road, leading into Hythe and towards Marchwood. I also agree that the wooded and verdant boundaries provided along the roadsides in this area provide an important buffer with views beyond to open countryside which makes a positive landscape contribution.

21. In addition, the prevailing character of the more immediate area around the appeal site is of rural countryside with low density linear residential development interspersed in spacious plots, and with dwellings generally being set back from the road, having front boundaries comprising mostly natural vegetation and mature trees, and in some cases behind close-boarded fencing. The managed landscape of the Dibden golf course forms the open backdrop to the appeal site. Along with other open land in the area the spacious residential plots I have referred to also contribute to the overall low density and generally open verdant character and appearance of the area.
22. Since this appeal was lodged, planning permission¹ for a single pitch residential caravan site has been granted on the adjacent parcel of land, infilling part of the wider open area that would otherwise exist. However, it is not a permanent permission, it requires the restoration of the site back to its former condition should the occupiers leave the site. That notwithstanding, the effect of allowing this appeal would in combination have a much greater infilling effect resulting in harm to the forest edge character of the appeal site I have described.
23. I have considered whether the imposition of landscaping or other planning conditions would adequately mitigate the harm. However, while there might be some limited visual amelioration such conditions would not adequately mitigate the harm and the piecemeal erosion of the NFP landscape character.
24. For these reasons I conclude that the development results in harm to the character and appearance of the area in conflict with LP Policies DP2, SP17 and SP33(a) and thereby fails to conserve and enhance the natural beauty of the NFP.

(iii) Special Protection Areas

25. The NFP includes areas of land in designated sites (Special Area of Conservation, Special Protection Area and a Ramsar site) supporting rare habitats and species. Qualifying habitats include areas of ancient pasture woodland, lowland heath, lawns, wetlands, and river systems. Rare and vulnerable species include the European honey-buzzard, Hen harrier, Eurasian hobby, European nightjar, Woodlark, Dartford warbler, Wood warbler, southern damselfly, stag beetle and great crested newt. The coastline and river estuaries also provide a diversity of natural habitats and support major populations of wintering waders and wildfowl, together with Terns, Mediterranean gull, overwintering black-tailed godwit, dark-bellied brent goose, ringed plover, and teal.

¹ Appeal Reference: APP/B9506/C/23/3325725

26. In accordance with the Conservation of Habitats and Species Regulations 2017 I am required as the competent authority to undertake an Appropriate Assessment in respect of the effects on these protected areas.
27. The overall conservation objective for the protected areas is to restore and maintain the extent, distribution, structure and function of the qualifying natural habitats and species so that it achieves a favourable conservation status. The threat to achieving this objective is primarily linked to the increase in visitors and residential accommodation and associated activities and effects, including for example predation by household pets and nutrient pollution.
28. The proposed residential development subject of the appeal would cumulatively add to the pressure and threat to the conservation objective I have described, thereby resulting in significant harm.
29. In order to adequately offset the impacts of residential development the NPA's SPD² requires new residential developments to mitigate their impacts in accordance with LP Policy SP5. The SPD, supported by Natural England, provides a technical basis and structure for calculating appropriate levels of funding contributions for developments. Contributions are to fund access management, alternative recreational green space, education and awareness promotion, and monitoring and research.
30. With regard to the foregoing, a mechanism in the form of an executed S106 Obligation to secure appropriate financial contributions would adequately mitigate the harm that would otherwise occur. However, the Unilateral Undertaking (UU) submitted at the Hearing was in draft form only and contained many missing and/or incorrect terms. A final version submitted after the Hearing³ still contained significant errors (including terms and references related to a separate planning application submitted to the NPA and not subject of the appeal, and also absent signatures, and without a plan to which the document refers). As such, it is not a legally enforceable UU that would guarantee securing the appropriate mitigating contributions necessary to overcome the harmful effects on protected areas.
31. In the absence of an appropriate mechanism to secure mitigation in the form of appropriate financial contributions, the development would result in harmfully significant effects on the qualifying objectives of the protected areas, in conflict with the requirements of Policy DP2(b) and Policy SP5.

(iv) Other considerations

32. At the Hearing the appellant provided details of his personal history and circumstances which I shall only refer to in summary here. From what I heard I understand that he is an English Gypsy, from Gypsy lineage and culture, and his family have lived in and around the New Forest area for a significant period of time, with close long-standing connections with relatives and friends in the NFNP area and beyond.
33. For the purposes of planning policy the definition of "Gypsies and Travellers" is set out in Annex 1 of PPTS:

² Supplementary Planning Document: Mitigating Recreational Impacts on the New Forest designated sites (2020)

³ Submitted 29 January 2026

*Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, and **all other persons with a cultural tradition of nomadism or of living in a caravan**, but excluding members of an organised group of travelling showpeople or circus people travelling together as such. (My emphasis in bold).*

34. It may be the case that the appellant has not lived the entirety of his life in a caravan, or has always travelled. However, even if that is the case, it does not exclude him from the PPTS definition. Indeed many Gypsies/Travellers resort to living in bricks and mortar housing due to the national shortage of available sites. Having regard to all of the evidence I have seen and heard from the parties I have no reason to consider that the appellant does not have Gypsy status as defined.
35. He also has connections to the NFNP through his work as a landscape gardener and by way of Verderer's forestry rights to graze his horses. Additionally, his children attend local schools within short travelling distance of the appeal site which might be disrupted if the appeal were dismissed. In this regard I take particular account of the best interests of the children. This is a primary consideration with no other consideration inherently more important. I also heard about the family's health and welfare circumstances.
36. Taken together the appellant's and his family's personal circumstances collectively add weight in support of allowing the appeal.
37. Allowing the appeal would also be a benefit in terms of contributing towards meeting the under-supply of pitches in the area, and thereby towards achieving the Government's overarching aim set out in the Framework to ensure fair and equal treatment for Gypsies and Travellers in a way that facilitates their traditional and nomadic way of life.

Overall Balance

38. Framework paragraph 11(d) directs that planning permission should be granted unless: (i) the application of policies in the Framework that protect areas or assets of particular importance⁴ provide a "strong reason" for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
39. Given the appeal development is of a small scale, relating to only a single residential pitch, I find that the conflicts with the Framework policies in respect of national parks and protected areas do not by themselves or cumulatively provide a "strong" reason for dismissing the appeal outright.
40. Nonetheless, with regard to paragraph 11(d)(ii) I find that the harm to the character and appearance and scenic beauty of the NFNP, and from the effects on protected habitats and species, together attract substantial weight.
41. Against that, the lack of a 5 year supply of suitable and available pitches for Gypsies and Travellers, together with the personal circumstances of the appellant and his family, and the benefit of facilitating the traditional nomadic way of life, as I have set out previously, carry significant weight in support of allowing the appeal.

⁴ These include National Parks, Special Protection Areas, Special Areas of Conservation; Ramsar sites,

42. However, in the overall balance in paragraph 11(d)(ii) I find that the adverse impacts of granting permission, demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such, this indicates that planning permission should be withheld.
43. I have considered alternatively allowing the appeals subject to a temporary and/or personal permission limited to the current occupiers. However, even for a limited period of time the residual harm I have identified would remain, potentially for a very long time in the case of a personal permission. The adverse impacts in such a scenario would still demonstrably outweigh the benefits.
44. Dismissing the appeal would interfere with the rights of the occupiers to respect for their home and family life and property under Article 8 of the European Convention on Human Rights as set out in Schedule 1 of the Human Rights Act 1998. However, these are qualified rights which may be interfered with in accordance with the law and in the interests of public safety. Although there are no alternative available sites, such that the current occupiers may be made homeless, the adverse impacts I have identified convince me that it is proportionate to dismiss the appeal. The protection of the public interest cannot be achieved by any lesser means.
45. Under section 149(1) of the Equality Act 2010, I must also have regard to the aims of the Public Sector Equality Duty (PSED) to advance equality of opportunity and avoid discrimination. This is relevant in terms of access to suitable accommodation. The appellants and their families have the protected characteristic of race for the purposes of the PSED. However, the harm arising from the proposed development outweighs these considerations. Dismissing the appeal is thus proportionate and necessary.
46. For these reasons the appeal on ground (a) and the deemed application for planning permission fails.

Appeal on ground (g)

47. An appeal on ground (g) is that the period of time for compliance with the notice requirements fall short of what should reasonably be allowed. The notice requires the use to cease and all caravans, other items, and hard surfacing to be removed within 9 months. The appellant seeks a period of 18 months.
48. A period of 12 months or longer would be tantamount to a temporary planning permission. As set out earlier I have found that occupation of the site for such an extended period of time to be unacceptable.
49. However, given the appellant's livelihood connection primarily to the New Forest area together with the appellant's family's social, welfare and educational needs, I acknowledge that finding an acceptable alternative site in or around the New Forest area may prove difficult to achieve. On that basis, taking account of all the circumstances before me I consider a compliance period of 11 months would be more reasonable. The appeal succeeds to this limited extent and I will vary the notice accordingly.

Thomas Shields

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Michael Lethbridge	Planning Agent
Wayne Griggs	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Lucie Cooper	Planning Enforcement Manager
Carly Cochrane	Senior Planning Officer Interim
Katherine Pullen	Planning Enforcement Officer