



Appeal Decisions

Site visit made on 11 March 2026

by Andy Harwood CMS MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 April 2026

Appeal A Ref: APP/Y3940/C/24/3346148

Land North of M4 Motorway, Littleton Drew, Chippenham SN14 7LZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr E Sykes against an enforcement notice issued by Wiltshire Council.
 - The notice was issued on 17 May 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the change of use from agricultural to a mixed-use of agricultural and residential use, including stationing of caravans for residential use, use of the barn structures for associated storage and residential use and associated domestic related paraphernalia and associated commercial equipment and materials [landscaping business equipment ancillary to residential occupation of the land] including but not limited to small decking, patio garden seating and tables, artificial grass, festoon lighting, children's play equipment, woodchipper, flat bed trailers and other associated landscaping equipment and materials.
 - The requirements of the notice are to:
 - a) Permanently cease to use the Land for the stationing of residential caravans; and use of the barn structure for residential purposes; and
 - b) Permanently remove all caravans occupied for residential purposes from the Land identified by approximate location in green in the "Detailed Plan" attached; and
 - c) Permanently remove all associated domestic related paraphernalia and associated commercial equipment and materials [landscaping business equipment ancillary to residential occupation of the land] including but not limited to small decking, patio garden seating and tables, artificial grass, festoon lighting, children's play equipment, woodchipper, flat bed trailers and other associated landscaping equipment and materials.
 - d) d) Permanently remove all the demolition materials arising from steps (a) to (c) from the Land; and
 - The period for compliance with the requirements is: 12 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).
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Appeal B Ref: APP/Y3940/C/24/3346151

Land North of M4 Motorway, Littleton Drew, Chippenham SN14 7LZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr E Sykes against an enforcement notice issued by Wiltshire Council.
- The notice was issued on 4 June 2024.
- The breach of planning control as alleged in the notice is: Without planning permission, operational development on the Land consisting of erection of sheds and storage structures and laying of hardcore, gravel, paving and garden brick edging.
- The requirements of the notice are to:
 - a) Permanently remove from the Land the sheds and storage structures identified in blue in the "Detailed Plan" attached to this Notice; and
 - b) Permanently remove from the Land the hardcore, gravel, paving and garden brick edging within the area identified in grey in the "Detailed Plan" attached to this Notice; and
 - c) Permanently remove all the demolition materials arising from steps (a) and (b) from the Land; and
 - d) Seed the area of the removed hardcore, gravel, paving and garden brick edging with grass seed.
- The periods for compliance with the requirements are:
 - a) 12 months from the date this Notice takes effect.
 - b) 12 months from the date this Notice takes effect.

- c) 12 months from the date this Notice takes effect.
 - d) Before 31st March 2026 or before the end of the next planting season following the end of the period of compliance with steps (a) – (c) above, whichever date is the greater.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Town and Country Planning Act 1990 (as amended).
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Appeal A Decision

1. It is directed that the enforcement notice is varied by: Deleting the time for compliance at paragraph '6' stated as "12 months" and its replacement with "16 months". Subject to the variation, the appeal is dismissed and the enforcement notice is upheld.

Appeal B Decision

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

Deleting the requirement at paragraph 5(d) and replacing it with "*Restore the land to its condition prior to the breach taking place and re-seeding with grass seed any areas not covered by hardcore or other hard-surfacing that had existed before the breach of planning control took place*"; and

Deletion of the bullet point at paragraph 6(d) and its replacement with "24 months".

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

Appeal A

Ground (f)

3. The appeal on this ground is that the steps required exceed what is necessary to achieve the purpose of the notice. The notice requires the cessation of the use of the land for stationing residential caravans and use of the barn for residential purposes. It also requires removal of all caravans and other items that are associated with the residential and commercial activities on the site. The alleged use which is not challenged in this appeal, is a mixed use for agriculture and residential use. The notice is seeking to restore the land to its condition before the breach took place, which therefore relates to s173(4)(a) of the act.
4. The appellant suggests that some of the commercial equipment could be retained as it may have a dual purpose. However, there is no dispute over the nature of the mixed use of the land or the manner in which the Council has framed the allegation which includes "landscaping business equipment ancillary to residential occupation". The examples given are the "woodchipper" and "flat bed trailers". In order to restore the land to its condition before the breach took place, it is not going beyond the purpose of the notice to seek the removal of equipment that has been part and parcel of the unauthorised use. In this case that includes the landscape business which is not claimed to be "agricultural". Once compliance is achieved with the requirements, it may well be possible to bring equipment onto site if they are purely and genuinely in relation to any ongoing agricultural activity without breaching the notice. However, it is not clear that such equipment has been and would be only part of an agricultural business.
5. I do not consider that the requirements of the notice go any further than they need to in order to achieve its purposes and there is no obvious alternative to those requirements.

6. The appeal on ground (f) therefore fails.

Ground (g)

7. The appeal on this ground is that any period specified in the notice falls short of what should reasonably be allowed.
8. Whilst I cannot consider the planning merits of the material change of use, under this ground of appeal I need to consider whether the 12 month period specified in the notice falls short of what should reasonably be allowed. The planning merits were considered in a recent appeal against the Council's refusal of a planning application for a change of use of the land to private family traveller site (Ref APP/Y3940/W/23/3333705) with the appellant being the same as in the current case. That was determined on 16 April 2024. The inspector in that case considered that the development was unacceptable in spite of significant weight being given the lack of supply of Gypsy and Traveller accommodation and personal circumstances, including the best interests of the resident children. He considered that the site was inherently unsuitable because of the noisy conditions due to the proximity of the nearby M4 motorway as well as the significant visual harm to the Cotswolds landscape. He considered that a temporary planning permission would not be acceptable either due to these harmful factors.
9. That inspector considered that it was necessary therefore to dismiss that appeal even though it would be likely to lead to circumstances where the appellant and the families would need to leave the site. This would be an interference with their rights under Article 8 of the European Convention on Human Rights as incorporated into the Human Rights Act 1998. Those are qualified rights and interference may be justified where that is lawful, in the public interest and is proportionate and interference was in accordance with the law as the protection of the public interest cannot be achieved by means which are less interfering with the appellant and their family's rights. The dismissal of the appeal was proportionate and necessary and therefore would not result in a violation of rights under Article 8.
10. There is therefore a fine balance to strike in this case. The appellant has requested a period of 24 months to comply. Finding alternative accommodation will be very difficult and could interfere with the education of resident children. Given the reasoning in that case, it was clear that the children do not experience suitable living conditions at this site. The requested period is not justified and would exacerbate that harm as well as the landscape impacts. Leaving the site would also lead to some of the children having their education interfered with in 1 years' time if the period is kept the same or even in 2 years' time if the appellant's suggested period were to be accepted.
11. I consider therefore that 16 months would strike a better balance by requiring compliance after the completion of the school year in 2027 providing a better opportunity to re-settle the family and those children within a suitable school before a new school year commences.
12. The appeal on ground (g) therefore succeeds to that extent.

Appeal A conclusion

13. For the reasons given above, I conclude that the period for compliance with the notice falls short of what is reasonable. I shall vary the enforcement notice prior to upholding it. The appeal on ground (g) succeeds to that extent.

Appeal B

Ground (f)

14. The appeal on this ground is that the steps required exceed what is necessary to achieve the purpose of the notice. The notice requires removal of physical developments that the notice alleges have been constructed and which are not addressed within the notice subject to Appeal A.
15. The reasons for issuing the notice at paragraph 4 do not include reference explicitly to why “hardcore, gravel, paving and garden brick edging” are harmful. These matters are included within the allegation as well as the requirements within paragraph 5. The Council considers that this is a minor clerical omission and requests that I correct the error using my powers under the provisions of s176(1)(a).
16. The appellant has raised this omission within their grounds of appeal. They go on to make arguments why the hardcore in particular should be retained and I will return to that. However, it appears clear that they have understood that the whole of the alleged development is unacceptable and the reasons at paragraph 4(b) do refer to “the developments”. The reasons clearly therefore refer to the entire developments as alleged and any omission is extremely minor, not warranting correction given that the appellant has understood the notice.
17. Regarding the extent of hardcore, the notice requires the removal of what has been laid as part of the breach of planning control. I have no evidence however about what the extent of any pre-existing hardcore was. It is clear that the notice is seeking to achieve the purpose of restoring the land to its condition before the breach took place. In order to achieve that, it is well established that the land owner is generally best placed to know what the condition of the land was before the breach took place. I will therefore amend the final requirement at paragraph 5(d) to require the restoration of the surface of the land to its condition before the breach took place including re-seeding with grass seed any areas that were not previously covered with hardcore or other hard-surfacing.
18. To that extent, the appeal under ground (f) succeeds.

Ground (g)

19. The appeal on this ground is that any period specified in the notice falls short of what should reasonably be allowed.
20. As a matter of principle given my conclusions in Appeal A, it is necessary to extend the periods currently specified as 12 months to match the extended period of 16 months in that case.
21. The last of the bulleted list in paragraph 6 includes a date applying to the requirement (d) in paragraph 5. Section 173(9) states that “An enforcement notice shall specify the period at the end of which any steps are required to have been taken or any activities are required to have ceased”. Furthermore, specifying a date in this way is illogical because it does not take account of the appeal period

when the notice is not in effect. I recognise that there is a second part of the sentence referring to the next planting season following the period for compliance for the previous steps. However, that does not specify a precise “period” as required by s173(9). I will therefore correct this to a period of 24 months which will then cater for an 8 month period following compliance with the other steps, thereby allowing for planting to take place in the autumn and winter.

22. The appeal under ground (g) therefore succeeds to that extent.

Appeal B conclusion

23. For the reasons given above, I conclude that the requirements of the notice are excessive to remedy the breach of planning control and the final period for compliance with the notice is incorrectly worded and falls short of what is reasonable. I shall vary the enforcement notice prior to upholding it. The appeal on grounds (f) and (g) succeed to that extent.

Andy Harwood

INSPECTOR