



Appeal Decision

Site visit made on 17 March 2026

by **Peter Willows BA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 April 2026

Appeal Ref: APP/Y3425/C/25/3361612

Land Lying to the East of Stallington Road, Blythe Bridge, Stoke on Trent, Staffordshire ST11 9PB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr S McDonagh against an enforcement notice issued by Stafford Borough Council.
 - The notice was issued on 29 January 2025.
 - The breach of planning control as alleged in the notice is Without planning permission, the unauthorised;
 - (i) material change of use from agricultural land to residential traveller encampment, in the approximate location shown shaded in blue on the attached plan, and storage of caravans, trailers, plant machinery and all associated equipment; and
 - (ii) operational development including the erection of close boarded timber fence, around the perimeter of the encampment as shown on the plan outlined in blue, the installation of a septic tank and associated water and soil pipes, engineering works to level the ground and the laying of aggregate hardstanding including hardcore, road planings, gravel and other associated material.
 - The requirements of the notice are:
 - i. Permanently cease the unauthorised residential use of the Land
 - ii. Remove all caravans, trailers, plant machinery and all associated equipment from the Land
 - iii. Remove from the Land, the close boarded timber fence around the perimeter of the encampment
 - iv. Remove from the Land, the aggregate hardstanding including; hardcore, road planings, gravel and any other associated material
 - v. Remove from the Land, the installed septic tank and associated water and soil pipes
 - vi. Remove from the Land, all materials including debris and rubble resulting from compliance with the works in points i. to v. above
 - vii. Restore the Land to its condition before the breach took place by levelling the ground and reseedling it with grass.
 - The period for compliance with the requirements is 2 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).
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Decision

1. It is directed that the enforcement notice is varied by the deletion of 2 months and its substitution with 6 months as the period for compliance. Subject to that change, the enforcement notice is upheld.

Reasons

2. The notice specifies a compliance period of 2 months and the appellant requests 12 months. I understand that the appellant and his family had previously lived on a tolerated site elsewhere in Staffordshire for almost 4 years, but that planning permission was ultimately not granted for that site, resulting in the appellant acquiring this current site as an alternative.

3. I do not doubt that the physical works required by the notice could be completed within the 2 months specified. However, the site is home to 4 families, comprising a total of 9 adults and 20 children, as set out in an updated schedule submitted by the appellant. It is therefore important to give careful consideration to the compliance timescale in order to minimise the inevitable disruption to the site residents and allow the requirements of the notice to be carried out in an orderly fashion.
4. The fact that the site occupants include children is an important consideration. Indeed, there is no planning consideration inherently more important than the best interests of a child. It appears to me that the best interests of the children will lie in having an increased compliance period, allowing them to remain longer at the site, in alignment with the wishes of those caring for them. Some of the children attend school, although not in the immediate area, while others are home schooled. Even if there is some travelling to reach school, I accept that having a settled base is important in securing the children's education and for their general welfare.
5. I understand that some of the site occupants, including children, suffer from significant disabilities and other health issues. Some of these necessitate regular hospital care. I have no reason to doubt the appellant's claims regarding these matters, and it indicates that continuity of health care is an important consideration.
6. The Council and local people advise that the site has been unoccupied for much of the time which, it is said, indicates that the occupants are not reliant on it. However, that does not alter my view that having a settled base is likely to be important to the occupants, not least in terms of accessing education and health care.
7. I am told that when the appellant moved on to the site there were no alternative sites available close to where the children were schooled and with nearby welfare facilities. I have no details of what options were considered at that time. That said, there is little before me to show suitable alternative sites or contradict the appellant's claim of a local shortfall. Thus, on the evidence before me, I cannot assume that it will be easy to identify an alternative site meeting all the appellant's requirements.
8. With these points in mind, it seems to me that a longer compliance period is necessary in order to allow the site occupants to seek an alternative site and make appropriate arrangements for moving. In my judgement, a compliance period of just 2 months would create unacceptable disruption in respect of such matters as continuity of education and health care.
9. That said, the evidence before me does not show specific justification for the 12 months the appellant requests. Moreover, it is desirable that the breach of planning control is remedied without undue delay, and I am mindful of the views expressed by a significant number of local people, keen for matters to be brought to a swift conclusion.
10. I understand that an interim injunction which seeks to limit occupation of the site is in place, but that is a separate matter and does not alter my assessment regarding the appropriate compliance period for the enforcement notice.

11. I have no doubt of the important implications of upholding the notice for the occupiers of the site. Loss of their home would represent a serious interference with their rights to peaceful enjoyment of their possessions and to a private and family life and home, under Article 1 of the First Protocol and Article 8 of the European Convention on Human Rights, as set out in Schedule 1 of the Human Rights Act 1998.
12. However, those are qualified rights. The interference in this case is in accordance with the law, given the provisions of the Town and Country Planning Act 1990. The disruption that compliance with the notice within a tight timescale will cause must be weighed against the public interest of ensuring the proper planning of the locality, without undue delay. In my judgement, a 6 month period would strike an appropriate balance. Such a timescale would be proportionate, in all the circumstances of the case, and would not result in any violation of the rights of the individuals concerned.
13. I understand that those occupying the site are Irish Travellers and consequently share the protected characteristic of race for the purposes of the Public Sector Equality Duty (PSED) under s149 of the Equality Act 2010, and I have had due regard to the 3 aims of eliminating discrimination and other prohibited conduct, advancing opportunity and fostering good relations. However, I have concluded that a 6 month compliance period would be proportionate, and so a decision along those lines would be consistent with the aims of the PSED. For the same reason, there would be no violation of rights under Article 14 of the Human Rights Act concerning discrimination.
14. I have noted references to a range of other matters concerning the planning merits of the development, but the appeal is proceeding on ground (g) only, and the sole matter for me to consider is the compliance period.

Conclusion

15. 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 to specify a 6 month compliance period, prior to upholding it. The appeal on ground (g) succeeds to that extent.

Peter Willows

INSPECTOR