



Appeal Decision

Hearing held on 18 March 2026

Site visits made on 18 and 19 March 2026

by Jessica Graham BA (Hons) PgDipL

an Inspector appointed by the Secretary of State

Decision date: 29 April 2026

Appeal Ref: APP/Q1153/C/25/3374695

Land at Higher Liftondown Heights SX365854, Liftondown, Launceston, Devon PL16 0DB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Ms Amy Lee against an enforcement notice, ref 029389, issued by West Devon Borough Council.
 - The notice was issued on 1 October 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission (i) the change of use of the Land from an equestrian and agriculture use to the use as a caravan site for residential purposes and associated operational development to facilitate this use.
 - The requirements of the notice are to:
 - (i) Cease the unauthorised residential use of the Land referred to in paragraph 3(i) of the Notice and remove the caravans which are currently facilitating the unauthorised residential use
 - (ii) Reinstall the Land to its former condition
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (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.
-

Summary Decision: The appeal succeeds in part, in that the period for compliance is extended, but otherwise fails. The enforcement notice is upheld, with correction and variation, in the terms set out below in the Formal Decision.

Preliminary matters

1. An enforcement notice has also been issued, and appealed, in respect of the unauthorised change of use of an adjoining area of land to a residential caravan site ("The West of Midway Site").¹ Since many of the issues are the same, it was agreed that both appeals should be heard at the same Hearing. The determination of that concurrent appeal is the subject of a separate Decision Letter of even date.
2. The Hearing was originally scheduled to take place over two days, but was completed before the end of the first day. In order not to disadvantage anyone who had been unable to attend the first day of the Hearing but had been planning to come to the second, the Council wrote to those who had been notified about the original Hearing dates, inviting them to put in writing any representations they had been intending to make at the Hearing, and to submit them to the Planning Inspectorate by 27 March 2026. I have taken into account the additional representations that were submitted in accordance with this invitation.

¹ Appeal Ref APP/Q1153/C/25/3374608

3. After the Hearing closed, I carried out an accompanied site visit during which I went on to both this Appeal Site, and the West of Midway Site. The following day I carried out an unaccompanied visit, in order to assess both sites from public viewpoints within the wider area.
4. A minor correction needs to be made to the enforcement notice. The period for compliance described at paragraph 6 refers to “the steps set out in paragraph 5(i) to (iv)”, but only two steps are required by paragraph 5, and these are itemised as (i) and (ii). I am satisfied that I can correct the reference at paragraph 6 without causing injustice.

The appeal on ground (a)

5. The ground of appeal is that planning permission ought to be granted for the matters stated in the notice. In this case, that is the material change of use of the land for the stationing of residential caravans. It is common ground that the current occupiers of the caravans meet the Government’s definition of Gypsies and Travellers, and that if planning permission were to be granted, it should be made subject to a condition limiting future occupancy to those who meet that definition. This means that the development needs to be assessed against the national and local planning policies which deal specifically with the provision of pitches for Gypsies and Travellers.
6. The main issues are the effect of the development on the character and appearance of the area; whether the Appeal Site is a sustainable location for this development; the need for, and supply of, Gypsy and Traveller sites; the personal circumstances of the occupiers, and the best interests of any children involved.

The effect on the character and appearance of the area

7. The Appeal Site lies in open countryside, on the western side of the small settlement of Liftondown. The A388 and the busy A30 lie a short distance to the south. Access is taken from the ‘C’ class road, from Liftondown Cross to Heale Bridge, that runs alongside its northern boundary. This road forms part of the “Two Castles Trail”, which is a strategic recreational route waymarked for walkers. The Appeal Site is located on elevated land, and slopes down away from the road at a steady gradient from the north-west to the south-east, providing views towards Launceston, and out over the wider landscape of the Tamar valley. This part of the countryside does not lie within a National Park, National Landscape, Conservation Area or other nationally designated landscape.
8. While there is no designated settlement boundary for Liftondown, the built-up part of the settlement consists of a compact triangle, with the A388 as its base. The garden boundaries of the dwellings on its western edge provide a clear visual demarcation, separating the settlement from the countryside beyond. The Appeal Site is in the north-west corner of a 0.65ha paddock, some 200m from the western edge of Liftondown. Between this Appeal Site and the edge of the settlement are a number of smaller plots, including the West of Midway Site. I am told that this situation results from the subdivision, carried out relatively recently, of what was originally a larger agricultural field.

9. The Appeal Site contains an authorised stable building,² situated in the north-west corner close to the access from the adjoining road. The proposed block plan³ (compliance with which could be secured by condition, if planning permission were granted) shows two mobile homes sited on opposite sides of a small enclosed area to the south of the existing stables. The access drive to the stables and the caravans, and the area on which the caravans stood, would be surfaced with permeable stone. Two parking spaces for touring caravans are shown adjacent to the northern boundary, with the remainder of the area around the stables and the access drive labelled as “Ecology & Biodiversity”.
10. The boundaries of the plots that lie between the West of Midway Site and the western edge of the settlement are mainly of post and wire fencing, and at the time of my visits they contained various animals, animal shelters and some other small structures. This subdivision has affected the appearance of the land, but has not significantly altered its character: the use of small defined plots for animal husbandry is a common feature of agricultural countryside adjoining settlements. By contrast, the residential development of the West of Midway Site, and its subdivision into three distinct pitches each containing a mobile home, has completely altered its character: it is no longer agricultural but domestic.
11. It is fair to note that Gypsies and Travellers have long tended to live in or on the edge of the countryside, for access to work across a wider area, and because they are likely to be excluded from urban sites by high land prices and objections from the settled community. Gypsy and Traveller sites can therefore be a common sight in the countryside, and are not an intrinsically discordant form of development.
12. However, the problem here is that both the Appeal Site and the West of Midway Site occupy an elevated position within the landscape. I saw at my site visit that this means in public views back toward Liftondown from the other side of the valley, such as the road up to Stourscombe after crossing the A30, the development of both sites for residential caravans is clearly and harmfully apparent. At the top of the slope on the West Midway Site there are buildings and a mobile home visible against the hedge of the adjoining road, with other caravans and areas of hardstanding continuing down the slope. On the Appeal Site there is the permitted stable building close to hedge of the adjoining road, with hardstanding and a mobile home on the slope below. The second mobile home would be visible next to this one.
13. In these views the unauthorised development on both sites follows the same landform as, and appears on a level with, existing dwellings at Liftondown. The presence of mobile homes and associated domestic development on the West Midway Site around 100m to the west of Liftondown, and on the Appeal Site another 100m on to the west, have the unfortunate visual effect of extending the settlement a considerable distance out into the countryside, along the road to Heale Bridge.
14. In close-range views from the road to Heale Bridge, views into the Appeal Site are largely screened by the boundary hedge, the high access gates and the intervening presence of the stable block, such that neither of the two proposed mobile homes would be likely to be visible. However, the appearance of the access has significantly altered as a consequence of the unauthorised

² Ref 3497/21/FUL

³ Document 4

development. Rather than a field gate through which the stable block and the paddock beyond would be visible, with views out over the open countryside to the south, there are now tall double gates made of close-boarded timber, with a name sign and post box fixed alongside. The domestication of the access, such that it is strongly indicative of residential occupation, has harmed the tranquil rural character of this part of the route, which is no longer experienced as passing through the countryside.

15. The Landscape and Visual Appraisal submitted on behalf of the Appellant suggests some measures to help mitigate the visual impact of the development. I agree that a condition requiring the Council's approval of a scheme for minimal external lighting could help to avoid glare or spillage beyond the site boundaries. There may be some potential to provide screen planting on the southern and eastern side of the Appeal Site, but no details are provided, and the proposed boundary treatment is unclear. In the absence of a sufficiently detailed landscaping scheme I am not convinced that the domestic character and appearance of the Appeal Site could be successfully screened or mitigated in elevated views from the south.
16. Turning to the question of cumulative impact, the contribution that the unauthorised development of this Appeal Site makes to the harmful visual extension of the settlement is largely contingent upon the unauthorised development of the West Midway Site, which is closer to that settlement. If planning permission for that development were refused, and the enforcement notice requiring its removal upheld, there would be a much greater distance between the development on this Appeal Site and the nearest dwellings at Liftondown; the presence of residential caravans on this Appeal Site would not, in those circumstances, read as an extension of the settlement. But that is not to say that the adverse impact on views from the south would be entirely resolved; the residential use of the Appeal Site would still be apparent, and would be harmfully at odds with the rural character of its setting in the open countryside.
17. I therefore conclude that the development conflicts with the aims of JLP Policies TTV26, DEV20 and DEV23 which together seek to protect the special characteristics and role of the countryside, ensure that development proposals contribute positively to the landscape, and avoid significant adverse visual impacts.

Whether the Appeal Site is a sustainable location for the development

18. The Council's reasons for issuing the enforcement notice included perceived conflict, due to the "unsustainable" form of the unauthorised development, with Policies SPT1, SPT2, TTV1 and TTV26 of the Plymouth and South West Devon Joint Local Plan 2019-2034 ("the JLP"), but at that time the Council was not aware that the occupiers of the Appeal Site met the Government's definition of Gypsies and Travellers. It has since been established that they do meet that definition, and the Statement of Common Ground provided for the Hearing identified Policy DEV13 as the relevant JLP Policy against which Traveller Sites are to be considered. As the Council accepted at the Hearing, if the development complies with Policy DEV13, then it will comply with paragraph 4 of Policy TTV1, which states that development in the countryside will only be permitted if it can be demonstrated to support the principles of sustainable development and sustainable communities.

19. The Appeal Site is visible from, and within a short walking distance of, Liftondown and is unarguably “near to” an existing settlement, as required by criterion 1 of Policy DEV13. The JLP SPD⁴ advises that new sites for Gypsies and Travellers should also be located near to local services and facilities. Liftondown is a small rural hamlet containing no services or facilities. The nearest shop is the Strawberry Fields Farm Shop and Restaurant some 800m from Liftondown, which is open seven days a week and provides access to everyday essentials such as bread and milk. There is also a convenience shop, and a Health Centre and Primary School, in Lifton, a settlement around 2km from Liftondown. There is a wider range of retail opportunities in Launceston, a substantial settlement which also provides educational and healthcare facilities. The centre of Launceston is around 4.5km to the west of the Appeal Site.
20. While the road between Liftondown Cross, Strawberry Fields and Lifton has a public footway, none is provided on the road onward from Liftondown Cross to Heale Bridge, which provides access to the development. There is no suggestion that this road is not safe: it is, after all, part of a long-distance walking route promoted by various organisations; and the vehicular access to the Appeal Site is not in any way hazardous. However, since the road from the settlement to the Appeal Site lacks any pavement, street lights or pedestrian refuges it does not provide the “convenient” access required by criterion 2 of Policy DEV13. There are bus stops on the A388, within walking distance of the Appeal Site, which provide a connection to Launceston but as the agent for the Appellant recognises, these services operate on a limited timetable. Realistically, then, the occupiers of the Appeal Site would be reliant on the use of private motor vehicles to access shops and services.
21. This would conflict with national and local policies which seek to promote the use of sustainable modes of transport. However, the National Planning Policy Framework (NPPF) advises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and Planning Policy for Traveller Sites (PPTS) acknowledges that Traveller Sites may be located in rural and semi-rural areas. Paragraph 13 of the PPTS provides a list of criteria intended to ensure that Traveller Sites are sustainable “economically, socially and environmentally”. These criteria include promoting access to appropriate health services; ensuring that children can attend school on a regular basis; and providing a settled base that reduces the need for long distance travelling and reduces possible environmental damage caused by unauthorised encampment. They do not include specified distances from, or means of transport to, shops and services.
22. This approach recognises that whether or not a site is a “sustainable” location for Traveller pitches should not be assessed on the same terms as for bricks and mortar dwellings. People with a nomadic habit of life travel by definition, rather than working in employment areas planned along public transport routes, so wherever they live, Travellers tend to rely on private vehicles for work. Establishing a settled base improves access to medical services and education: without a fixed address it is harder to register for, and sustain, healthcare and schooling. There are social and economic benefits to the country as a whole in everyone having access to health care, and all children attending school regularly.

⁴ The Plymouth and South West Devon Supplementary Planning Document, adopted by West Devon Borough Council on 9 June 2020

23. In this particular case, while the occupiers of the pitches would be largely reliant on the use of private motor vehicles for access to shops, healthcare, education and other facilities, most of those trips would be of fairly short duration, and comparable to those undertaken by the settled population in this rural area. The close proximity of the Appeal Site to the A30, which is a major transport corridor through Devon and Cornwall, provides good connectivity for those needing to travel for work.
24. I shall return to the requirements of Policy DEV13 and the wider question of “sustainable development” below, but in terms of location, it is clear from the provisions of the NPPF and PPTS that accessibility is not the only criterion for assessing sustainability. Having regard to the specific needs and lifestyle of those who meet the Government’s definition of Gypsies and Travellers, the Appeal Site would provide a settled base from which services and facilities could be accessed within reasonable travelling distance, in accordance with the criteria set out at paragraph 13 of the PPTS.

The need for, and supply of, Gypsy and Traveller Sites

25. The PPTS explains that local planning authorities should assess the likely accommodation needs of Gypsies and Travellers in their area and, in producing their Local Plan, identify and update annually a five-year supply of specific deliverable sites.
26. The Local Plan for the West Devon area (the JLP, which has a plan period of 2014-2034) was adopted on 26 March 2019, and its assessment of the need for pitches was based on a Gypsy and Traveller Accommodation Assessment (GTAA) published in December 2016. The supporting text to Policy DEV13 explains that since the GTAA identified a low level of need across the Plan Area (of only 3 pitches, none of them in the West Devon area), no new sites were allocated in the JLP. Instead it was decided that need could be met through sites coming forward through the planning application process, and Policy DEV13 was included to provide the criteria against which such applications should be assessed.
27. While that approach cannot be faulted, the GTAA is now ten years old, and considerably out of date. The Council has not undertaken any more recent assessment of need, and nor has it undertaken any annual monitoring. That is cause for concern because, as the agent for the Appellant rightly points out, even where no need has been identified at a particular point in time, that position can easily change due to factors such as family formation, household growth, migration or displacement from neighbouring authorities. An additional factor is the change to the PPTS definition of Gypsies and Travellers made by the Government in December 2024, which is likely to have increased the number of people who meet that definition. In the absence of an up-to-date assessment, it is not possible to tell how many (if any) of those who did not meet the definition at the time of the 2016 GTAA, but now do, are in need of a pitch.
28. As a consequence of all this, the Council’s position is that it does not know, and cannot establish, what level of need there now is for Gypsy and Traveller pitches in its area.
29. The agent for the Appellant points out that the Appeal Site is very close to the administrative boundary with Cornwall. There is no dispute that Cornwall has a significant and longstanding unmet need for Gypsy and Traveller sites, and the

agent for the Appellant may well be right that families unable to secure lawful and suitable accommodation there will seek sites for pitches in neighbouring districts. But the approach taken by the PPTS is that local planning authorities should make their own assessment of the accommodation needs of travellers in their area, and ensure a five year supply of sites to meet these “locally set targets”. The PPTS encourages collaborative working between neighbouring local planning authorities, to consider production of joint development plans that set targets on a cross-authority basis, and that is exactly what West Devon Borough Council has done: together with South Hams District Council and Plymouth City Council, it has produced a joint local plan (the current JLP), for the purposes of which a GTAA was carried out across the geographical area of all three authorities.

30. Put another way, it does not necessarily follow that because Cornwall has failed to provide sufficient sites to meet its identified need, the need for sites in West Devon will have increased accordingly. In certain circumstances, the consideration that a site close to the Cornish border could help to reduce that adjoining authority’s unmet need might weigh in favour of granting planning permission for its development. That is not the case here; the pitches are not provided on a speculative basis but are intended to meet the accommodation needs of the current occupiers, who are not among those identified as having an unmet need for a pitch in Cornwall.
31. The Council accepts, as it must in the circumstances, that it is unable to meet its PPTS obligation to demonstrate an up-to-date 5 year supply of deliverable sites. That has consequences for the planning balance, to which I shall return below. As to the current level of need, the 2016 GTAA concluded that there was no identified need for pitches for the plan period of the JLP, although the age of that assessment and the absence of any recent updates, or any monitoring at all, limits the weight that can be placed on it. I have no evidence that in recent years the Council has received, never mind refused, any applications for Gypsy and Traveller sites; nor have I been provided with any other evidence of current unmet need in West Devon, such as the existence of unlawful encampments.
32. To conclude, there is currently no evidence of local need for Gypsy and Traveller pitches beyond that of this Appellant and her family, and the Appellants on the West of Midway Site.

The personal circumstances of the occupiers and the best interests of the children

33. Details of the personal circumstances of the Appellant and her family have been provided by her agent, and are accepted by the Council. It is not necessary, or appropriate, to set out those details in this public document. In summary, they are an extended family, consisting of four adults, four school-age children and two children of pre-school age. Many of them have serious and long term medical issues, requiring regular and consistent healthcare. They are all currently registered at the Health Centre in Lifton. A settled base would enable them to secure continuity of care from healthcare providers and medical teams, without the disruption caused by needing to find and register with different providers every time they were moved on.
34. The undisputed evidence of the Appellant is that the family has no suitable alternative accommodation available to them: there are no Council-owned sites in the area, and no existing privately-owned pitches for sale or rent. They have been

on the list for a council pitch in both Devon and Southampton for 10 years, and were forced to move from their previous site due to threats of violence against them.

35. It is well established that the best interests of the children is a primary consideration for decision makers in any planning appeal in which children are involved: no other consideration can be inherently more important than the best interests of the children, but the weight given to each consideration will depend on all the circumstances of the case. Granting planning permission for the pitches on the Appeal Site would provide the occupiers with a secure and stable base to bring up their children. The oldest two of the school-age children are both enrolled at Launceston College, while the younger two are enrolled at Lifton Community College. Having a fixed and permanent home on the Appeal Site would ensure the continuity of their education, and also continuing access to the various educational support services that they require.
36. Conversely, refusing planning permission for the proposed development and upholding the enforcement notice would mean that the children would, along with their parents, be required to leave the Appeal Site. In the light of the evidence that there are currently no suitable alternative sites available to them, this would clearly have serious impacts in terms of the stability of their home life and the conditions in which they would be obliged to live.

Other matters

37. While statutory provision exists for planning permission to be granted in respect of development carried out before a planning application is submitted, a Written Ministerial Statement (dated 17 December 2015) made intentional unauthorised development a material consideration in planning applications and appeals. In my judgment, the amount of weight that should attach to this material consideration will depend in large part upon the context in which the unauthorised development took place. In circumstances where a local planning authority has persistently failed to allocate sufficient sites for Gypsies and Travellers such that an extensive unmet need for pitches has accrued, or in circumstances where a family was obliged to leave their previous accommodation at short notice through no fault of their own, it might be appropriate to attach only limited weight to the fact that they began occupying land without first obtaining planning permission to do so.
38. While there is no evidence before me of any pre-existing unmet need in this district, there is evidence that the Appellant did not voluntarily leave the site on which they were formerly living, but was obliged to do so for the safety of her family. In my view, this is a case where intentional unauthorised development is a material consideration of only limited weight.
39. The Appellant has not provided any information concerning the ecology and biodiversity of the Appeal Site, either before or after the development took place. The Council's position is that it is therefore not possible to establish whether or not the development would comply with JLP Policy DEV26, which seeks to protect and enhance biodiversity. The reason for requiring an ecological survey to be carried out before any development takes place is to establish an accurate baseline against which the effects of the development can be judged. However, since the planning regime includes statutory provision for planning permission to be granted retrospectively, it would be illogical – in circumstances where there are no positive

indications that protected species may have been present, or designated sites affected - to refuse permission solely on the basis that a baseline ecology survey cannot be undertaken retrospectively. No such indications are present here.

40. The Appeal Site was formerly grassland in agricultural and equine use, and the Appellant has pointed out that enhancements for wildlife could be provided, for example through the provision of bat and bird boxes, the strengthening of existing hedgerows and an appropriate mix of native planting. In this context it is worth noting that while the development here at issue is exempt from the statutory requirement for Biodiversity Net Gain, the relevant legislation includes a method for calculating pre-development biodiversity in situations where there is insufficient evidence about what it actually was. Taking all of this into account, I am satisfied that a suitably worded condition, securing biodiversity enhancement, replacement planting for habitat loss, and provision for its future retention and management could be imposed. This would ensure compliance with the objectives of JLP Policy DEV26.
41. The Council was also concerned that insufficient evidence had been provided to demonstrate that surface water run-off would be managed appropriately, and would not increase flood risk elsewhere. However, given that the Appeal Site occupies an elevated position, where the land slopes away from the road and nearby dwellings, and is not within an area known to be at risk of fluvial or pluvial flooding, I am satisfied that ensuring suitable provision for drainage could be addressed by condition. Failure to secure the Council's approval of a detailed drainage design (in respect of both surface and foul water) within the specified time period would mean that the residential use of the site would be required to cease.
42. While not a concern raised by the Council, a number of local residents made representations about the effect of the development on living conditions at nearby dwellings. In my judgment the separation distances between the Appeal Site and the nearest dwellings, and the presence of intervening boundaries and vegetation, means that the development does not visually dominate these residences nor significantly reduce their privacy. If planning permission were to be granted, it could be made subject to conditions preventing commercial activities from taking place on the site, including non-domestic bonfires, and limiting the size and number of commercial vehicles permitted to be parked there. Subject to such conditions, the development would comply with the aims of local and national planning policies aimed at protecting the living conditions of existing properties.

The planning balance

43. The Council accepts that it is unable to meet the PPTS requirement to demonstrate an up-to-date five year supply of deliverable sites, and that as a consequence, the provisions in paragraph 11(d) of the NPPF apply. Those provisions concern the application of a "presumption in favour of sustainable development", which means granting planning permission unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations,

making effective use of land, securing well-designed places and providing affordable homes.”⁵

44. Granting planning permission for the development would meet the family's need for a settled base, in circumstances where no other suitable alternative sites are available. This would secure consistent access to healthcare for all of them, and very importantly, enable the children to continue attending the schools at which they are enrolled, and accessing the educational support services they need. These are significant benefits. If development of this Appeal Site were permitted and development of the West of Midway Site refused, the harmful impact of visually extending the existing settlement would be avoided, but the domestication and residential use of land that was previously part of the rural countryside would still cause significant harm to the character and appearance of the area. This would conflict with paragraph 135 of the NPPF, which seeks to ensure that development is sympathetic to local character including the landscape setting, and is one of the “key policies” referred to in paragraph 11(d).
45. In my judgment, the adverse impacts of granting planning permission would outweigh the benefits, but not so conclusively that they could be held to “significantly and demonstrably” outweigh the benefits, in the terms of NPPF paragraph 11(d). This means that the “presumption in favour of development” applies, and is a material consideration in the determination of this appeal.
46. However, as paragraph 12 of the NPPF makes clear, the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision-making: where a planning application conflicts with an up-to-date Development Plan, permission should not usually be granted. Decisions may depart from an up-to-date Development Plan, but only if material considerations in that particular case indicate that the plan should not be followed.
47. The circumstances of this particular case are, in my experience, unusual. Normally, when local planning authorities are unable to demonstrate a five-year supply of sites (whether for Gypsy and Traveller pitches, or bricks and mortar dwellings) it is because the approach taken by their Development Plan Policies to the delivery of sites has failed to meet their currently identified need, and so it is logical to treat those policies as “out of date”. But here, while the evidence of need (that is, the 2016 GTAA) that informed the approach taken by the Development Plan is now undoubtedly out of date, it does not follow that the criteria-based approach of Policy DEV13 must be out of date. Rather, in the justified absence of any site allocations, and in the absence of any evident pre-existing unmet need prior to that of the Appellants in these two concurrent appeals, it appears to me that Policy DEV13 continues to provide an entirely reasonable and up-to-date mechanism for assessing the suitability of any new Gypsy and Traveller sites that anyone wishes to bring forward.
48. Applying that mechanism to this case, I am satisfied that the development would accord with criteria (1), (3), (4) and (5) of Policy DEV13. However it does not provide the “convenient” access required by criteria (2), and since I have concluded that the landscape impacts would be harmful and could not be adequately mitigated, it does not accord with criteria (6). The development

⁵ Paragraph 11(d) makes provision for a number of exemptions from and caveats to this approach. It is common ground that none of them are relevant here.

therefore conflicts with the requirements of Policy DEV13 as a whole, and fails to meet the objectives of Policies TTV26, DEV20 and DEV23 which together seek to protect the countryside, ensure that development proposals contribute positively to the landscape, and avoid significant adverse visual impacts.

49. As to other material considerations, the fact that the development was intentional and unauthorised carries a limited amount of weight against granting planning permission. Given the agreed lack of availability of any suitable alternative accommodation, the benefit of meeting the family's need for a settled base, which would secure consistent access to healthcare for all of them, as well as enabling the children to attend school regularly and access the educational support services they need, carries a great deal of weight in favour of granting planning permission. I have found that on the basis of the evidence currently before me, JLP Policy DEV13 remains up to date and fit for purpose, and in these circumstances, I attach very limited weight to the presumption in favour of sustainable development provided by the NPPF.
50. On balance, I find that the material considerations in this case do not outweigh the harm arising from the identified conflict with the relevant policies of the adopted Development Plan; they do not indicate that the plan should not be followed. I therefore conclude that planning permission should be refused.
51. I have given careful consideration to the possibility of making a temporary grant of planning permission for the development, which would be limited by condition to a defined period. This can be appropriate in circumstances where, by the end of that period, it is expected that the planning circumstances will have changed in an identifiable and material way. The Appellant's view is that the period should be five years, based on other sites becoming available through the Local Plan process. The Council's position is that in circumstances where a new Local Plan were to be adopted within the next few years, it might be appropriate to grant a temporary permission for that period, but that is not the case here: the replacement Local Plan is only at a very early stage, with no timetable proposed for its adoption.
52. There is, then, no identifiable upcoming change in circumstances (such as the proposed provision of Council-owned pitches, or the completion of a call-for-sites exercise) that would suggest granting permission for the intervening period might be appropriate. More fundamentally, while a temporary grant of planning permission would mean that the harm resulting from the development would be time-limited and therefore lesser than if the development were permanent, there would still be significant harm, and the benefits would also be reduced. In my judgment, even if the grant of planning permission were for a temporary period only, it would still be the case that the conflict with the Development Plan would not be outweighed by other material considerations. A grant of personal planning permission would not be appropriate in this case, as no reasons have been advanced that would indicate permission should be limited by condition to specific named occupiers.
53. Refusing to grant planning permission, and upholding the enforcement notice, would effectively make the Appellant and her family homeless. This would interfere with their rights under Article 8 of the European Convention on Human Rights, enacted in UK law through the Human Rights Act 1998, which secures the right to respect for private and family life and home. However, the human rights interference occasioned by my conclusion on this appeal is in accordance with the

law, and is necessary to uphold the operation of the planning system in the public interest, which includes protecting the countryside and the character of local landscapes, and requiring development to accord with the planning policies of the Council's adopted Local Plan. In terms of the Public Sector Equality Duty, I am mindful that dismissing the appeal would perpetuate the difficulties that are currently endured by the Appellant and her family due to their ethnicity, and the adverse impacts that the lack of a settled base has upon their quality of life.

54. Having considered every relevant material consideration, and the possibility of imposing conditions on a grant of either permanent or temporary planning permission, I consider that subject to ensuring a reasonable time period for compliance with the requirements of the notice (to which I return below), a decision in the public interest cannot be achieved by means that would cause less interference with the rights of the Appellant and her family. A refusal to grant planning permission is proportionate and necessary in the circumstances of this case.

Conclusions on the ground (a) appeal

55. I conclude that the appeal on ground (a) should fail, and the deemed application for planning permission should be refused.

The appeal on ground (g)

56. The ground of appeal is that the period specified in the notice for compliance with its requirements, which in this case is six months, falls short of what should reasonably be allowed. The Appellants contend that a twelve month compliance is the minimum required, in order to allow all of the occupiers of the three mobile homes on the Appeal Site sufficient time to secure alternative lawful accommodation; minimise disruption to their access to healthcare and education; and avoid unnecessary hardship or further breaches of planning control. The Council confirmed, in its Statement of Case and at the Hearing, that in light of the information submitted in the course of the appeal it did not object to lengthening the period for compliance.
57. Bearing in mind the occupiers' medical issues and need for educational support services, I consider that extending the compliance period to twelve months would strike the right balance between the conflicting public and private interests in this case. It would give the Appellant and her family more time to undertake the difficult task of finding, and relocating to, a suitable alternative site while placing a reasonable limit on the duration of the harm caused by the presence of the development on the Appeal Site.
58. I shall vary the notice accordingly, and the appeal on ground (g) succeeds to that extent.

Conclusion

59. For the reasons given above I have found that a compliance period of six months falls short of what should reasonably be allowed, and I shall vary the notice to extend the period specified for compliance to twelve months. The appeal on ground (g) succeeds to that extent, but the appeal on ground (a) fails. I shall uphold the enforcement notice and refuse to grant planning permission for the deemed application.

Formal Decision

60. It is directed that the enforcement notice is corrected by:

- at paragraph 6, changing the reference to “paragraph 5(i) to (iv)” to “paragraph 5(i) to (ii)”

And varied by:

- at paragraph 6, deleting the term “six months” and replacing it with the term “twelve months”.

61. Subject to these corrections and variations, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Jessica Graham

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Simon McKay	Director, SJM Planning Ltd
-------------	----------------------------

FOR THE LOCAL PLANNING AUTHORITY:

Stephen Whale	Barrister
Adrian Noon	Principal Planning Officer
Joshua Birkenshaw	Planning Enforcement Officer
Amanda Urmson	Senior Landscape Officer
Helen Smart	Planning Business Manager

INTERESTED PARTIES:

Chris Edmonds	Ward Member
David Measey	Lifton Parish Council
Fred Mead	Local resident

DOCUMENTS SUBMITTED AT THE HEARING:

1. Statement of Common Ground, signed and dated 18 March 2026
2. Late submission and photograph, provided by a local resident
3. Extract from the Plymouth and South West Devon Supplementary Planning Document (adopted July 2020) providing supplementary guidance on Local Plan Policy DEV13
4. Drg. no. 079-0001 Rev A (amended copy of proposed block plan)
5. List of suggested conditions, agreed between the Council and Appellant
6. Additional agreed condition, applicable if a Personal Planning Permission were to be granted