



Appeal Decisions

Hearing held on 24 February 2026

Site visit made on 24 February 2026

by Thomas Shields DipURP, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2026

Appeal A: APP/J1915/W/25/3375433

Land At Mentley Lane West, Puckeridge, Ware, SG11 1US

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Ellis against the decision of East Hertfordshire District Council.
 - The application Reference is 3/24/1940/FUL.
 - The development proposed is described as: A partially retrospective planning application for the material change of use of land to a caravan site for 6 x Gypsy and Traveller pitches with associated access hardstanding, landscaping, and waste water treatment plants.
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Appeal B: APP/J1915/C/25/3375435, 3375436, 3375437, 3375438, 3375439, 3375440, 3375441 (7 appeals)

Land At Mentley Lane West, Puckeridge, Ware, SG11 1US

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the Act").
- The appeals are made by Mr Paul Ellis (3375435), Mr James Delaney (3375436), Mr Patrick Stokes (3375437), Mr John Stokes (3375438), Mr Hugh McGinley (3375439), Mr Mark Ellis (3375440), and Mentley Lane Developments Limited (3375441) against an enforcement notice issued by East Hertfordshire District Council.
- The enforcement notice was issued on 16 October 2025.
- The breach of planning control as alleged in the notice is Without planning permission, the material change of use of the land to a residential Gypsy and Traveller caravan site, comprising the siting of caravans, the erection of structures, the formation of hardstanding and the widening of an existing access.
- The requirements at Section 5 of the notice are:
 - 5.1 Cease the use of the land for residential occupation and remove all caravans from the land.
 - 5.2 Remove from the land all structures erected or sited in connection with the use of the land as a residential Gypsy and Traveller caravan site, including foundations and below-ground fixings associated with those structures.
 - 5.3 Break up and remove all Hardstanding formed on the land to a depth sufficient to remove any sub-base and engineered layers and to expose the original ground profile.
 - 5.4 Restore the land, access and ground profile to the condition that existed immediately prior to the breach by carrying out the following:
 - remove the access gate and any associated gateposts from the land
 - grade and level the ground so it is compatible with adjoining land levels
 - remove any imported sub-base, hardcore and other non-soil materials
 - replace, where necessary, topsoil to a minimum compacted thickness of 150mm of suitable arable/topsoil free from extraneous material and contaminants
 - reinstate the surface by reseeding with a standard grass seed mix suitable for local conditions
 - 5.5 Remove from the land all vehicles and domestic paraphernalia associated with the use as a residential Gypsy and Traveller caravan site.
 - 5.6 Remove from the land all resultant materials arising from compliance with paragraphs 5.1 to 5.5 and dispose of them lawfully at appropriately licensed facilities.
- The period for compliance with the requirements is 9 months.
- Appeal B is proceeding on the grounds set out in section 174(2) (g) of the Act.

DECISIONS

Appeal A

1. The appeal is allowed and planning permission is granted for the material change of use of land to a caravan site for 6 x Gypsy and Traveller pitches with associated access, hardstanding, landscaping, and waste water treatment plants at land at Mentley Lane West, Puckeridge, SG11 1US in accordance with the terms of the application, Ref 3/24/1940/FUL, and subject to the conditions in the attached Schedule.

Appeal B

2. The appeal is dismissed and the notice is upheld.

APPEAL A - against refusal of planning permission

Appeal site

3. The appeal site subject of the appeal is approximately 0.5Ha in area and located in the countryside to the west of the village of Puckeridge. It lies adjacent the northbound side of the A10 dual carriageway which has a 70mph speed limit, and which separates the site from the village. Access to and from the site is from Mentley Lane West (MLW) an unlit rural lane which itself links to the adjacent two auxiliary traffic lanes providing left turns off and onto the northbound carriageway of the A10.
4. Close to the appeal site a long-established footpath crossing over the A10 from MLW provides a pedestrian route between the appeal site and the village along with its services, facilities and public transport connections. The extent to which the route from the appeal site and over the A10 crossing is capable of being used safely was the focus of dispute between the parties.

Main Issue

5. Whether the site is in a suitable location for use as a Gypsy and Traveller site with particular regard to highway safety.

Local and national policy background

6. Policy HOU9 of the East Hertfordshire District Plan (2018) relates specifically to the provision of pitches to meet the identified local need for Gypsies and Travellers. Unallocated sites, such as the appeal site, are required to satisfy the policy's criteria at (a) to (i). The Council accepts that the appeal site meets all of the criteria except for (a) which requires that "*the site is in a sustainable location in terms of accessibility to existing local services*".
7. The Council's view that the site is not in a sustainable location in conflict with Policy HOU9(a) is based on the reason set out in the application refusal notice; that it results in an unacceptable impact on highway safety due to the occupiers' reliance on the pedestrian crossing over the dual carriageway and in conflict with Policies TRA1 and TRA2.
8. For new development proposals Policy TRA1 seeks to provide a range of sustainable transport options to occupants or users which may involve, amongst

other matters, the improvement of pedestrian links. Policy TRA2 seeks to ensure that safe and suitable access can be achieved for all users. It requires that site layouts, access proposals and any measures designed to mitigate trip generation produced by the development should (a) be acceptable in highway safety terms, and (b) not result in any severe residual cumulative impact.

9. The aims and objectives of the National Planning Policy Framework (2024) (NPPF) are a material consideration. These include the provision of residential accommodation in sustainable locations, ensuring safe and suitable access for all users, and avoiding severe residual cumulative impacts on the road network.
10. Since the site is intended to be for occupation only by Gypsies and Travellers the provisions of Planning Policy for Traveller Sites (2024) (PPTS) is also a relevant material consideration.

Reasons

11. The pedestrian route from the appeal site access to the village follows a walk of about 65 metres eastwards along MLW to the splitter island separating the off and on auxiliary traffic lanes onto the A10 dual carriageway. From that point the route crosses the 2 lanes of the northbound carriageway to the central pedestrian refuge area, and then onwards from there across the 2 lanes of the southbound carriageway, and on into the village centre.
12. The footpath was provided probably around the same time as the dual carriageway was constructed and hence is a long established crossing route over the A10 and forms part of the adopted highway.
13. The Council, relying on detailed evidence from the Highway Authority (HA), argue the crossing was likely intended for limited use by agricultural workers and/or leisure users such as ramblers. In that context it is argued the appeal proposal would now result in greater trip generation and to an extent that would be unsafe for site occupiers who may have different abilities in terms of crossing the A10, such as young children and people with disabilities and reduced mobility. In support of this argument the Council referred to the various submitted HA documents and evidence¹ including the consultation responses to the planning application, video footage, a Road Safety Audit, and other empirical traffic movement data.
14. An alternative assessment on behalf of the appellant², based on surveyed traffic data at various times of the day, concludes that while the crossing is in need of some maintenance works³ there is no increase in risk to pedestrian safety for new users over and above any level of risk that has always existed for all and any users.
15. On 23 February 2026, the day before the Hearing, I walked unaccompanied from the village of Puckeridge to and from the entrance of the appeal site via the footpath crossing over the A10 at 1.15pm, and later the same day at about 5pm. On both occasions, for approximately 30 minutes each, I observed traffic movements from static positions at both the eastern and western crossing points at the dual carriageway edge, and from the central reservation refuge area. There

¹ Council Appendices 3 to 12

² Mr Hurlstone: Statement of Case and Appendices A to O, Final Comments and Appendices P to T

³ Vegetation growth in the dual carriageway's central pedestrian refuge area

was good visibility to oncoming traffic from both sides of the dual carriageway and from the central pedestrian refuge area.

16. At the 1.15pm visit the road was not busy and there were frequent, sometimes lengthy, time gaps between vehicles passing, all of which would allow more than enough time for a person to cross in each direction. At the 5pm visit, as one might expect in peak travel time, the road was markedly busier and with much fewer and shorter time gaps between vehicles in which each section of the dual carriageway could be safely crossed.
17. While there are differences of opinion in some respects between the two parties' technical evidence and associated conclusions, they nonetheless broadly accord with my own observations; that at different times of the day time gaps between vehicles passing during which it would be possible to safely cross varied. In this respect one might have to wait for longer periods of time before being able to cross in a gap during busy periods. However, I consider these existing highway and traffic movement conditions are likely to make the route less desirable at particular times of the day, rather than the crossing being inherently unsafe. As is the case in many highway/crossing situations people may choose alternative routes or modes of transport based on busy and less busy times of the day.
18. I disagree with the Council's view that the crossing is suitable and safe for particular users, such as agricultural workers or occasional leisure users, but not for occupiers of the appeal site. While some site occupiers may be unable to use the crossing, for example due to reduced mobility, the same could be said for any other potential users. While there may have always been a low level of use of the crossing I note that there have been no recorded injury accidents involving pedestrians or cyclists at the crossing. Additionally, the HA have not closed the footpath due to any safety concerns and have not indicated any intention to do so in the event that the appeal were to be allowed.
19. Information put before me indicates that children on site are taken to and from school in the village by car in order to avoid using the pedestrian crossing at busy times of the day. However, I find nothing unusual in the provision of such 'school runs' as is often the case for children living in isolated rural or busy urban environments, and where children may not yet be of an age to cross busy roads safely by themselves.
20. Having regard to the small scale of occupation (6 pitches) of the appeal site, and taking account of the potentially limited use and with factors affecting desirability of using the crossing, as I described earlier, I consider the likely increase in trips using the pedestrian route from MLW and across the A10 crossing would be insignificant. As such, the appeal development does not have a level of impact that would generate a need for enhanced or other off-site improvements to the highway infrastructure. There would be no conflict with Policies TRA1 and TRA 2 in this regard.
21. I turn to the question of "reliance" on the crossing as stated in the Council's refusal reason. On a day to day practical basis, as I set out previously, some site occupiers may or may not choose to use the crossing dependent upon any number of factors such as the time of the day, convenience, or just personal transport choice, while other occupiers may be unable to use it, for example due to age or mobility. However, it remains a simple fact that walking is not the only mode of transport to

the village. Many of the site occupiers have their own vehicles, and in my experience the close (family or otherwise) relationship between site occupiers on Gypsy and Traveller sites results in car-sharing and/or use of taxis. Clearly therefore the occupation of the site is not in “reliant” on the footpath crossing.

22. Policy HOU9(a), also reflecting the provisions of PPTS, does not require that accessibility to existing local services must include by walking. The village and its services, facilities and onward transport connections are a very short driving distance away from the appeal site and hence, as acknowledged by the Council, the site is sustainably located in this regard. As such, the fact that there is additionally an alternative footpath route available (to some if not all users, and even if undesirable for use at particular times) makes the location of the site more rather than less sustainable in terms of criterion (a). Accordingly I find no conflict with the requirements of Policy HOU9.

Other Matters

23. Other appeal decisions have been referred to by the parties. However, since they relate to different locations with different circumstances and factors I have not attached any significant weight to them, either in support of or against allowing the appeal, which I considered on its own merits.
24. In addition to the main issue of highway safety I have also taken into account the other matters raised by the Parish Council. However these did not form part of the Council’s reason for refusing the proposal and do not lead me to reach a different conclusion.

Conditions

25. A plans condition listing those approved is necessary to provide certainty.
26. Given that the location of the appeal site is justified only on the basis of meeting Policy HOU9 requirements and the provisions of PPTS, both of which specifically seek to meet the accommodation needs for Gypsies and Travellers, a condition restricting the occupation of the site to such persons is necessary.
27. In the interests of maintaining the character and appearance of the area conditions to prohibit the parking of HGVs on the site and to remove permitted development rights under the Town and Country Planning (General Permitted Development) (England) Order 2015 for additional structures are also necessary.
28. In the interests of maintaining a satisfactory level of amenity for occupiers and to maintain the character and appearance of the area, a condition to secure a Site Development Scheme to include appropriate landscaping, boundary treatment, lighting and drainage is required to make the development acceptable. (As these matters are linked in terms of overall site development the submitted plan TDA3138.01, which shows only landscaping, may require revision. It does not therefore form one of the approved plans).
29. For the reasons I have set out earlier a condition to require improvements and road markings to the crossing route outside of the application site, as shown on the submitted plan 2411046 -02 Rev A, is unnecessary to make the development acceptable in planning terms. Consequently this plan does not form part of the approved plans.

30. As set out in the national Planning Practice Guidance, the application/appeal and permission granted by this Decision is retrospective. As such the development is exempt from the statutory biodiversity net gain (BNG) provisions.⁴ Furthermore, it would be inappropriate for decision makers to continue to give weight to aspects of existing local policies related to biodiversity gains which are inconsistent with the statutory framework for biodiversity net gain.⁵ However, if any ecological enhancement measures are reasonably capable of being provided on site as part of its development, such provision would accord with environmental sustainability objectives of the Council's Development Plan and the NPPF. Such a requirement is therefore justified on that basis.

Conclusion on Appeal A

31. The Council cannot demonstrate an up-to-date 5 year supply of deliverable Gypsy and Traveller pitches. As such, in accordance with PPTS paragraph 28 the provisions of paragraph 11(d) of the NPPF are engaged.
32. Having regard to NPPF paragraph 11(d) the proposal accords with the requirements of Policies TRA1, TRA2 and HOU9, there are no protected areas or assets of particular importance affected by the development that would provide a strong reason for refusing the development, and there are no adverse impacts which would significantly and demonstrably outweigh the benefits of the development when assessed against the policies in the Framework taken as a whole.
33. For all these reasons the appeal should be allowed.

Appeal B – enforcement notice ground (g)

34. An appeal on this ground is that the period for compliance with the requirements of the enforcement notice fall short of what should reasonably be allowed. The notice requires compliance within 9 months. For the appellants it is argued that a period of 2 years (revised to 18 months at the Hearing) would be reasonable.
35. In considering the period for compliance I have taken account of the under-supply of Gypsy and Traveller sites in the area and hence the associated difficulties in finding an alternative site within a 9 month period. I have also taken account of the disruption to the educational needs of occupiers' children, and to the social and medical information before me, insofar as these factors affect the ability to find a suitable and available alternative site location within the 9 month period of time. I appreciate that being unable to do so could render some if not all site occupiers living by the roadside.
36. However, taking account of all the information before me and having regard to my duties in respect of Article 8,⁶ the PSED,⁷ and the best interests of the children (Collins)⁸, I find on balance that 9 months does not fall short of what should reasonably be allowed to comply with the notice requirements, and amounts to a

⁴ Planning Practice Guidance Biodiversity Net Gain - Paragraph: 003 Reference ID: 74-003-20240214

⁵ Planning Practice Guidance: Biodiversity Net Gain - Paragraph: 020 Reference ID: 74-020-20240214

⁶ Article 8 Human Rights Act 1998 - the right for respect for private and family life

⁷ Public Sector Equality Duty, s.149(1) Equality Act 2010 – duty to have due regard to the aims of eliminating discrimination and advancing equality of opportunity and fostering good relations between persons who share a relevant protected characteristic and persons who do not share it

⁸ *Collins v SSCLG & Fylde BC* [2013] EWCA Civ 1193 - no other consideration must be regarded as more important or given greater weight than the best interests of any child

proportionate remedy in the wider public interest. That interest includes upholding the integrity of the Development Plan planning system, including by way of securing compliance with the requirements of planning enforcement notices as soon as practicable.

37. For these reasons the appeal on ground (g) is dismissed and the notice is upheld.
38. Although the appeal against the notice is dismissed it should be noted that s180(1) of the Act provides that where planning permission is granted after the issue of an enforcement notice for any development already carried out, the notice shall cease to have effect insofar as it is inconsistent with the planning permission granted.

Thomas Shields

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Stephen Cottle, of Counsel	Garden Court Chambers
Mr Jeremy Hurlstone	Director of the Hurlstone Partnership
Dr Angus Murdoch	Director of Murdoch Planning Limited
Mr Paul Ellis	The Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mrs Annabel Graham-Paul, KC	Francis Taylor Building Chambers
Mrs Nikki Dawney, MRTPI	Principal Planning Officer
Ms Amrit Virdee	Senior Planning Enforcement Officer
Ms Maria Henessy	Principal Planning Policy Officer
Mrs Kay Mead, MRTPI	Principal Planning Policy Officer
Mr Matthew Armstrong	Area Manager (east) Highways Development Management Hertfordshire County Council
Mr George Farmer	Senior Highways Development Management, Hertfordshire County Council

DOCUMENTS SUBMITTED AT THE HEARING

- Doc 1 Appellant's note on material considerations
- Doc 2 Appeal Decision APP/J195/W/19/3234671
- Doc 3 Appeal Decision APP/J195/W/21/3269407
- Doc 4 3 x letters from Head of local school

DOCUMENTS SUBMITTED AFTER THE HEARING

- Doc 3 Council update information on transport provision to school
- Doc 4 Appellant response to DOC 3

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 400 Rev C, 500 Rev C, 501 Rev G, 2411046-01, 2411046-TK01 Rev A, 2411046-TK02 Rev A, 2411046-TK03 Rev A.
2. The site shall not be occupied by persons other than Gypsies and Travellers as defined in Annex 1 of Planning Policy for Traveller Sites (2024).
3. There shall be no more than 6 pitches on the site and on each of the 6 pitches hereby approved no more than 1 mobile home, 1 touring caravan and 1 day room per pitch shall be stationed at any time.
4. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
5. The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 3 months of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision a scheme to include hard and soft landscaping planting and maintenance, boundary treatment, external lighting on the site, foul and surface water drainage details, ecology mitigation measures, and the design and construction details of site access works within the public highway (as shown on drawing 2411046-01), hereafter referred to as “the Site Development Scheme (SDS)” shall have been submitted to the local planning authority for their written approval. The SDS shall include a timetable for its implementation.
 - ii) If within 8 months of the date of this decision the local planning authority refuse to approve the SDS or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted SDS shall have been approved by the Secretary of State.
 - iv) The approved SDS shall have been carried out and completed in accordance with the approved timetable.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no sheds or amenity/utility buildings, or other buildings or structures, walls, fences or other means of enclosure other than those shown on the approved plans shall be erected on the site.
7. There shall be no external lighting on the site other than as approved by the SDS in condition 5.

End of Conditions.