



Appeal Decisions

Hearing held on 1 July 2026

Site visit made on 1 July 2026

by Paul Dignan MSc PhD

an Inspector appointed by the Secretary of State

Decision date: 4th August 2026

Appeal A Ref: APP/Q1153/C/26/3377919

Appeal B Ref: APP/Q1153/C/26/3377920

Land South of Dartmoor Caravan Park, Crapstone, Yelverton, Devon, PL20 7PP

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeals are made by Mr Daniel Jarman (Appeal A) and Mrs Tamsin Jarman (Appeal B) against an enforcement notice issued by West Devon Borough Council.
 - The notice was issued on 21 January 2026.
 - The breach of planning control as alleged in the notice is Without planning permission:
 - (i) the change of use of the Land from an agricultural use to the use as a caravan site for residential purposes; and (ii) the bringing on to the Land unauthorised operational development comprising static caravans, storage containers and a hardstanding in association with the unauthorised residential use.
 - The requirements of the notice are: (i) Cease the unauthorised residential use of the Land referred to in paragraph 3(i) of the notice; (ii) Remove the following operational development referred to in paragraph 3(ii) of the Notice which is associated with the unauthorised residential use: (a) Static caravans; (b) storage containers; and (c) the hardstanding; and (iii) Reinstatement of the Land to a condition suitable for its authorised agricultural use.
 - The period for compliance with the requirements is 12 months.
 - Appeal A is proceeding on the grounds set out in section 174(2)(a), (d), (f) 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.
 - Appeal B is proceeding on the grounds set out in section 174(2) (d), (f) and (g) of the Town and Country Planning Act 1990 (as amended).
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Decisions

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

the deletion of allegation 3(ii) and its replacement by the words "(ii) the bringing on to the Land of static caravans and storage containers, and operational development comprising a hardstanding, in association with the unauthorised residential use"; the deletion of requirement 5(ii) and its replacement with the words "(ii) Remove the static caravans and the storage containers from the Land"; by the extension of the period for compliance from 12 months to 2 years; and by the substitution of the plan annexed to this decision for the plan attached to the enforcement notice.

2. Subject to these correction and variations, the appeals are 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.

Preliminary Matters

3. The appeal concerns an area of approximately 1.1ha located in the countryside outside of the built-up area of Crapstone. The land was sold to the appellant in late 2024. Prior to the sale it was part of a larger field from which it is now separated by fencing. The remainder of the field was sold to another buyer, though at the time the notice was issued the Land Registry had not recorded the sale and new titles. The land edged in red on enforcement notice plan includes both parcels, but there is no dispute that the matters enforced against have only occurred on the parcel purchased by the appellant. The Council have provided a replacement plan showing the extent of the appellant's land edged in red and requested that I correct the notice by substituting the amended plan for that originally attached to the notice, using the power available under section 176(1)(a) of the Act to correct any error, defect or misdescription in the notice. It was agreed at the hearing that substituting the plan would not cause either party injustice, hence I consider it appropriate to do so. I shall also correct the description of the alleged unauthorised development to make it clear that it is the change of use that is the focus of the notice, and that the other matters, the siting of static caravans and storage containers and the creation of hardstanding are matters associated with, and therefore part and parcel of, that change of use. This correction can also be made without injustice.
4. Enforcement action has previously been taken, in about 2017-2018, against the deposition of building and construction waste on the land. As a result the waste heaps were levelled and covered with topsoil, leaving the appearance of the land as grassland, albeit there had been some land raising and the waste remained below the surface, making the land unsuitable for many agricultural purposes. I consider it appropriate therefore to vary requirement 5(iii) so that it simply requires that the land be restored to the condition it was in before the matters the subject of the notice took place.

Ground (d)

5. An appeal on this ground is that it is too late to take enforcement action. However, that claim is only made in respect of the laying of hardstanding just inside the entrance to the land. The basis of the claim on this ground is that the hardstanding was constructed more than 4 years before the enforcement notice was issued, and was not done to facilitate the change of use enforced against. If the former can be shown to be the case, on the balance of probabilities, then it would be immune from enforcement and should not be required to be removed. Its removal would exceed what is necessary to remedy the breach of planning control, hence its relevance in this appeal is to ground (f).
6. Photographs taken by the Council in March 2025 show a mini-digger and freshly laid gravel on the area in question, but the appellant maintains that the hardstanding was there when he purchased the land and was simply being cleaned and topped up. Aerial imagery shows an area of hardstanding present in June 2022¹, but it is not evident in March 2022. The area evident in June 2022 does not appear to be as large in area as that currently present, but although not entirely clear it appears incomplete, a pile of unsprayed material being apparent. The Council considers that the appellant enlarged what was a smaller extent of

¹ Google Earth imagery, dates may be indicative only.

hardstanding most likely laid in 2022, such that what is now present should be considered to be a new area of hardstanding that incorporated the original laid in 2022. At the site visit I could see where fence posts had been removed around the edge of the hardstanding, which the appellant claims was a fence around the hardstanding when he bought the land and which was removed to enable the removal of encroaching vegetation prior to topping up the surface. In places around the edge I could also see what appeared to be older hardcore of different appearance and texture to the finer surfacing material which was evidently freshly spread in 2025. Overall I found the appellant's version of events to be plausible and to be supported by physical evidence on the site, whereas the contrary evidence is less clear. I accept therefore, on the balance of probability, that the material deposited by the appellant in 2025 comprised repair and maintenance of pre-existing hardstanding.

7. The evidence indicates that the hardstanding was more likely than not to have been substantially completed some time after March 2022, which is less than 4 years before the notice was issued, and so viewed on its own it was not immune from enforcement action when the notice was issued in January 2026, the burden being on the appellant to show otherwise. However, it was not part and parcel of the change of use enforced against, and hence it cannot be required to be removed as having been associated with that unauthorised change of use. Since the notice is directed solely against the change of use and associated development, the hardstanding does not fall within its ambit, it would have to be enforced against in its own right as operational development. As it stands therefore, it cannot be required by this enforcement notice to be removed in order to restore the land to its condition before the breach took place. I shall therefore vary the notice requirements as necessary.

Appeal A - ground (a) and the deemed planning application

8. This ground is that planning permission should be granted for the development, and it is accompanied by a deemed planning application. Having regard to the location of the land in the open countryside outside of a settlement and within the Tamar Valley National Landscape (NL), and the Traveller status of the appellants, I consider the main issues to be:
 - The effect of the development on the scenic quality and natural beauty of the Tamar Valley NL;
 - Whether the site is a suitable location for the development proposed, having particular regard to access to services and facilities;
 - The need for, and provision of Gypsy/Traveller sites, and the availability of alternative sites;
 - The personal circumstances of the occupiers, and the best interests of the children.
9. The development plan for the area includes the Plymouth and South West Devon Joint Local Plan 2019-2034 (the JLP). Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Since the appellants are Travellers for planning purposes, the national planning policies in Planning for Traveller Sites (PPTS) and the National Planning Policy Framework (NPPF) are material considerations.

Effect on the Tamar Valley NL

10. The appeal site is within the Tamar Valley NL, just south of the settlement of Crapstone. It is within the Moorland Edge Slopes character area, an elevated, gently rolling landscape containing open moorland and farmland which is part of a mosaic of character types in the rich and diverse landscape of the River Tavy Middle Valley area. Much of this landscape character area provides an important setting and transition to the protected landscape within Dartmoor, but the appeal site lies within a small area of Moorland Edge Slopes within the Tamar Valley NL above the Tavy, a recognition of the quality of this valley and water landscape. The appeal site therefore has a role in providing a rural setting to the nationally protected landscape. It displays many of the valued attributes of this character type, forming part of a tranquil upland pastoral landscape with views across the wooded river valleys of the Tavy.
11. There is a nearby touring caravan site and storage area between the appeal site and Crapstone. This predates the designation of the NL and is visually and spatially distinct from the appeal site, lying on relatively flat land enclosed by mature hedgerows. It has little influence on the character of the appeal site and its surroundings.
12. Access to the appeal site is from a narrow rural lane typical of the landscape character type. A public footpath runs south from the lane to the east of the appeal site, and I understand that the lane and footpath form part of a popular walking route. Although a dense hedgerow along the lane obscures views of the mobile homes and associated domestic paraphernalia along much of the frontage, the development can be clearly seen through the gateway, and indeed from the gateway to the adjoining field to the south-east. From these vantage points the mobile homes sited on the upper slope of the field and the associated paraphernalia across much of the land are strikingly discordant. Planting proposed around the entrance and along the field boundary with the adjoining field would help mitigate the visual impact, particularly when in leaf, but the value of the site in landscape terms is not only visual. The incongruous urbanising effect of the development and the inevitable negative impact on relative tranquillity results in the effective fragmentation of an important tranche of the Moorland Edge Slopes south of Crapstone, such that its contribution to the Tamar Valley NL is significantly diminished. As such the development detracts from rather than preserves or enhances the landscape and natural beauty of the NL, contrary to the aims of JLP Policies DEV23 and DEV25, which are concerned respectively with the conservation of landscape character and nationally protected landscapes. In line with the NPPF, Policy DEV25 provides that great weight must be given to conserving landscape and scenic beauty in the protected landscapes. It is notable that the JLP policy concerned with the provision of Gypsy and Traveller sites, Policy DEV13, requires that full consideration be given to the landscape impacts of any proposals.

Location

13. PPTS advises that local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements, while JLP Policy DEV13, which guides how Gypsy and Traveller site applications should be considered, expects new sites to be located close to existing settlements. This appeal site is reasonably close to Crapstone, and so is not 'away' from an existing

settlement as such. However, the lanes leading there are unlit and without footpaths, and Crapstone has very little in the way of services, so almost all journeys to and from the appeal site would be likely to require private transport. Most of the important services upon which the appellants rely are in the vicinity of Plymouth, but any family living on the site would have to travel significant distances, most likely by private transport, to access a reasonable range of services.

14. JLP Policy DEV13 also expects new traveller sites to provide safe and convenient pedestrian and cycling access, which this site does not, the nearest roads being narrow, mainly unlit, and without footpaths or verges for long stretches.
15. I acknowledge that there is a relatively recent housing development not far from the site on the edge of Crapstone, and it is likely that residents there would also be largely dependent of private transport, but I do not know the full suite of considerations that led to that grant of planning permission. For development plan purposes, as set out in JLP Policy TTV1, Crapstone is a Tier 4 settlement, the lowest tier, where development will only be permitted if it can be demonstrated to support the principles of sustainable development. Considering the appeal site location on its own merits I am not satisfied that it is a sustainable location for a Gypsy/Traveller site. It does not have good access to services, and it does not provide safe cycle or pedestrian access for occupants or visitors. I recognise that the appellants' family circumstances are such that they consider the poor pedestrian and cycling accessibility to be a very minor consideration, but I must assess this issue in the context of Traveller site provision generally, and I am satisfied that it scores poorly in this respect such the relevant DEV13 criterion is not met. The poor access to services and poor accessibility run counter to the sustainability objectives of the development plan set out in JLP Policies SPT1, SPT2, TTV1 and TTV2.

The need for, and provision of Gypsy/Traveller sites

16. PPTS requires local planning authorities to, among other things, assess the need for sites, develop fair and effective strategies to meet need through the identification of land for sites, and increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply. In producing their Local Plan local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide 5 years worth of sites against their local targets.
17. The JLP was adopted in March 2019, and its assessment of the need for pitches was based on a Gypsy and Traveller Accommodation Assessment (GTAA) published in December 2016. Only a low level of need was identified, and so it was considered that need could likely be met through sites coming forward through the planning application process. Hence no land was allocated, JLP Policy DEV13 providing the criteria against which such applications should be assessed. However, the GTAA is well out of date, such that the need for sites is not well understood, but the Council accepts that it cannot demonstrate a five-year supply of Gypsy/Traveller sites.
18. Devon County Council has advised that the local authority sites in Devon have no availability, with a long waiting list in at least one case. It refers to a huge need in Devon, although this is not specified. It notes that there are no agreed emergency

or transit sites in Devon, and that most of the traditional stopping places have been blocked off or developed for other purposes.

19. It is clear therefore that there are presently no suitable available alternative sites. A new local plan is currently in the early stages of preparation, so it is too early to speculate on the future provision approach of the development plan. The lack of adequate provision and alternative sites are therefore matters which must be accorded substantial weight.

Personal circumstances

20. The site presently accommodates the appellants, two of their adult children in their own mobile homes, and their other 5 children who currently live with them in a rectangular compound formed by 4 mobile homes. One of the children will be an adult soon, hence the need for seven mobile homes in total. Most of the children have health problems which means that they benefit considerably from a safe and stable environment, along with close supervision for the younger children. The site meets all of their needs in this respect, and despite the distance from Plymouth the children have been able to continue to access education and health services. It is clearly in the best interests of the children to continue to reside at the appeal site with their parents. They have previously lived in bricks and mortar housing but consider that it is not culturally appropriate and wish to bring up their children in the Gypsy culture.
21. The family have not previously lived on the roadside, though they say that would be the only option if planning permission is refused. However, the likelihood of the entire family resorting to the roadside is unclear. They will not move from the Plymouth area because of the children's needs, and they only have a single towable caravan at present, which would not accommodate them all. They also suggested that they might end up buying another field and again establishing a home, as has happened here. Resorting to roadside living would be detrimental to the children's welfare, but there are alternatives to roadside living that could be explored, and I consider that the likelihood of the family resorting to roadside living to be relatively low if planning permission is refused and the notice upheld. The family's personal circumstances can be accorded substantial weight nonetheless.

Balance

22. Applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. In this case there is conflict with a range of policies. There is harm to landscape and scenic beauty, and so clear conflict with Policies DEV23 and DEV25, which are concerned respectively with the conservation of landscape character and nationally protected landscapes. Both the NPPF and Policy DEV25 require great weight to be given to conserving landscape and scenic beauty in the national landscapes. There is also conflict with Policy DEV13 the JLP policy concerned with the provision of Gypsy and Traveller sites, in that respect, and further conflict with Policy DEV13 in that the site does not provide safe and convenient pedestrian and cycling access. The site is not well located in terms of access to services, placing it in conflict with the development plan policies that seek to direct new development to sustainable locations. In short, there is substantial conflict with the development plan read as a whole.

23. As noted above, the NPPF and PPTS are material considerations. PPTS requires proposals for Gypsy and Traveller pitches be assessed and determined in accordance with the presumption in favour of sustainable development. Since the Council is unable to demonstrate a five-year supply of deliverable pitches, paragraph 11(d) of the NPPF is engaged. This means that the policies which are most important for determining proposals for the provision of sites are out of date for the purposes of the NPPF. However, paragraph 11(d)(i) of the NPPF does not require planning permission to be granted where policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development. Such national policies include those relating to National Landscapes, and in this case I am satisfied, on the basis of the substantial harm to the landscape and scenic beauty of the Tamar Valley NL, that they do provide strong reasons for refusing the deemed planning application. As a consequence, the 'tilted balance' in NPPF (11)(d)(ii) is not engaged.
24. I have accorded substantial weight to the unmet need for traveller sites, the lack of a 5-year supply of sites, and the lack of a suitable alternative site. The best interests of the children is a primary consideration to which I also accord substantial weight. The benefits for children of a stable settled site are significant in many ways, not least being access to education and health services. The family have been able to access such services from the site, but in reality it is poorly located for in general terms for a Traveller site, and specifically for the appellant family, notwithstanding that, so far, they have ensured continuity in the children's education and health care. This tempers somewhat the overall weight in favour of the development.
25. In balancing these considerations against the development plan conflict, however, I consider that the material considerations in favour of the development, individually or cumulatively, do not outweigh the totality of the harms identified and the conflict with the development plan. The material considerations, weighty though they are, are not sufficient to justify the development in an unsustainable and unsuitable location that causes harm to landscape and scenic beauty in a NL.
26. A temporary permission would mean that the harm would be time limited, and therefore of lesser weight, but there would still be very substantial harm. Further, on the evidence available, and having regard to the uncertainty about present and future need due to the datedness of the GTAA and uncertainty about the Council's approach to site provision in the future given the early stages of the replacement local plan, there does not appear to be any realistic likelihood of a site coming forward through the development plan process that would meet the family's particular needs within an appropriate timeframe.
27. Dismissal of the appeal and upholding the enforcement notice will make the occupiers homeless, and accordingly I am mindful of the rights of the family under the Human Rights Act 1998, in particular Article 8 which affords the right to respect for private and family life as well as a person's home. However, these are qualified rights, and interference may be justified in the public interest. Regulating the use of land and protecting the environment is in the public interest and national and local planning policy place great weight on the conservation of landscape and scenic beauty in designated landscapes, along with the need to direct development to sustainable locations. I consider in all the circumstances that the protection of the public interest cannot be achieved by means which are less interfering of the occupiers' rights. They are proportionate and necessary and hence would not

result in a violation of the human rights of the occupiers. I have also had due regard to the public sector equality duty to seek to eliminate discrimination against persons with the protected characteristics of ethnicity, advance equality of opportunity and foster good relations, but the benefits of the development in this respect do not add weight sufficient to outweigh the conflict with the development plan and national policy.

28. Having considered all other matters raised, I conclude therefore that it is proportionate and necessary to dismiss the appeal on ground (a) and refuse planning permission.

Ground (f)

29. This ground is that the requirements of the notice exceed what is necessary to remedy the breach of planning control. One of the issues raised relates to the hardstanding. I have dealt with that already and will remove that requirement. The other matter raised is the requirement to restore the Land to a condition suitable for agricultural use. It is argued that the prior condition was as land despoiled by waste tipping and unsuitable for agricultural use. The 1990 Act provides that the breach of planning control can be remedied by returning the land to its condition before the breach. In this case it seems clear that following Council enforcement action in 2018 the land was topsoil covered pasture, notwithstanding that some demolition waste materials lay underneath. A requirement to restore the land to its condition before the breach is therefore appropriate and not excessive, though there is no need to refer to its suitability for agricultural use.
30. I shall therefore vary the notice to remove, in 5(ii) the requirement to remove the hardstanding, along with rephrasing of that requirement to remove reference to operational development since static caravans and storage containers may not fall into that category, though they can be required to be removed since they were brought onto the Land to support the unauthorised development. I shall vary 5(iii) to simply require the land to be restored to its condition before the breach took place. The appeals on ground (f) succeed to this extent.

Ground (g)

31. This ground is that the period for compliance, 12 months, is too short. This ground was not pleaded by the appellants, but I advised the parties that I would likely introduce it. In view of my conclusions on the current lack of a suitable available alternative site and the best interests of the children I consider that a period of 2 years would be a more reasonable and proportionate period to allow the family a longer period to look for an alternative site. Since they have suggested that they may seek another site upon which to establish a residential base, the implication being that it would also likely to be unauthorised, an extended time period for compliance will enable the family to engage with the Council, and neighbouring Councils, to try to find an appropriate solution. The Council's, and indeed the County Council's, acknowledgement that the provision of Gypsy and Traveller sites is inadequate means that more favourable planning circumstances now exist if they are able to find a more appropriate site.

Paul Dignan

INSPECTOR

APPEARANCES

THE APPELLANTS

Daniel Jarman

Tamsin Jarman

FOR THE LOCAL PLANNING AUTHORITY:

Josh Birkenshaw

Enforcement Officer

Adrian Noon

Principal Planning Officer

Scott Stemp

Barrister

Amanda Urmson

Landscape Officer

INTERESTED PARTIES:

Cllr Ric Cheadle

Ward Councillor

DOCUMENTS SUBMITTED

1. Draft Statement of Common Ground
2. Amended site plan



The Planning Inspectorate

This is the plan referred to in my decision dated: 4th August 2026

by Paul Dignan MSc PhD

