



Appeal Decision

Hearing held on 1 July 2026

Site visit made on 1 July 2026

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th August 2026

Appeal Ref: APP/G5180/C/26/3378375

Land adjoining and to the west of Jodeen Animal Sanctuary, Sevenoaks Road, Halstead, Kent TN14 7HR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act).
 - The appeal is made by Mr Edward O'Driscoll against an enforcement notice issued by the Council of the London Borough of Bromley.
 - The notice was issued on 6 April 2026.
 - The breach of planning control as alleged in the notice is without the required planning permission, the operational development of the westward extension of the existing traveller site known as "Jodeen Animal Sanctuary" at the Land, comprising of:
 - (a) Operational Development
 - (i) the construction of an amenity block incorporating a brick finish and tiled roof, together with an adjoining outdoor play area; and
 - (ii) the extension of the hardstanding surface from the adjacent Jodeen Animal Sanctuary site; and
 - (iii) the erection of boundary fencing around the unauthorised extension.
 - AND
 - (b) Material Change of use
 - (i) without the required planning permission, the material change of use of the Land from open land / green fields to residential use; and
 - (ii) the stationing of a mobile home and associated paraphernalia.
 - The requirements of the notice are:
 - (a) demolish the amenity block on the Land and the outdoor play area and remove all resulting materials and debris from the Land; and
 - (b) remove from the Land the hardstanding surface and remove all resulting materials and debris from the Land; and
 - (c) remove from the Land the mobile home and associated paraphernalia; and
 - (d) remove the over-extended section of boundary fencing at the Land and reinstate the fence to its original position as it stood prior to the breach of planning control and remove all resulting materials and debris from the Land; and
 - (e) restore the Land to its condition prior to when the breach of planning control occurred.
 - The period for compliance with the requirements is 6 months after this notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (f) and (g) of the Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made (DPA) under section 177(5) of the Act.
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Decision

1. It is directed that the enforcement notice (EN) is corrected and varied by:
 - the deletion of the words "the operational development of" in paragraph 3;
 - the deletion of the words in paragraphs 3(b)(i) and (ii) and their substitution with the words "the use of land for the siting of caravans for residential use" in paragraph 3(b)(i);
 - the deletion of the words "6 months" and their substitution with the words "12 months" in paragraph 6; and

- the substitution of the plan attached to this decision for the plan attached to the EN.

Subject to the corrections and variation, the appeal is allowed and planning permission is granted on the DPA under section 177(5) of the Act, for the hardstanding, fencing and the use of the land for the siting of caravans for residential use at land adjoining and to the west of Jodeen Animal Sanctuary, Sevenoaks Road, Halstead, Kent TN14 7HR and subject to the conditions in the attached schedule. The appeal is dismissed and the EN is upheld as corrected and varied insofar as it relates to the dayroom and planning permission is refused in respect of the dayroom at land adjoining and to the west of Jodeen Animal Sanctuary, Sevenoaks Road, Halstead, Kent TN14 7HR on the DPA under section 177(5) of the Act.

Application for costs

2. An application for costs was made by the appellant against the Council of the London Borough of Bromley. This application is the subject of a separate decision.

Preliminary Matter

3. Due to discussions at the hearing, I gave the appellant the opportunity to submit further evidence in relation to his personal circumstances. In the interests of fairness, the Council was able to comment on that material, and the appellant was given the opportunity to respond to the Council's comments. I have had regard to the evidence submitted and the parties' comments in reaching my decision.

The Enforcement Notice

4. I have a duty to ensure that the EN is in order. Under s176(1) of the Act, it is open to me to correct any defect, error or misdescription in the EN or to vary its terms, provided I am satisfied that the correction or variation will not cause any injustice. This includes the substitution of the plan, providing no injustice would be caused.
5. The allegation on the EN includes "the operational development of". This text can be deleted without altering the allegation and causing injustice to either party, given the subsequent duplicate text "(a) Operational Development."
6. The EN alleges the "material change of use of the Land from open land / green fields to residential use". However, there is no such use as 'open land / green fields' and it is not necessary to state what the use is currently considered to be. Therefore, this text can be omitted from the allegation, and no injustice would be caused as a result. The land in question is being used as an extension to an existing caravan site which benefits from planning permission, so the alleged breach should be described as "the use of land for the siting of caravans for residential use" and I agree no injustice would be caused as a result.

Reasons

The appeal on ground (c)

7. An appeal on ground (c) is that those matters (if they occurred) do not constitute a breach of planning control.
8. Land comprising part of the appeal site benefits from planning permission¹ granted on appeal (the 2025 decision) for the "material change of use of land for siting of caravans for residential use for occupation by Gypsy Travellers with a septic tank, hard standing, re-profiling of land and boundary fence".

¹ Appeal Decision Ref: APP/G5180/W/25/3358392

9. When a comparison is made between the land subject of the EN and the land to which the 2025 decision relates, there is an overlap, with some of the land subject of the 2025 decision included in the land subject of the EN. That planning permission is extant, and given the alleged material change of use, this complies with the terms and conditions of the 2025 decision. Hence, there is no breach of planning control in respect of this land, and the main parties agree that the plan appended to the EN should be corrected. I agree, and no injustice would be caused in doing so. The appeal on ground (c) succeeds to this extent.

The appeal on ground (a)

10. An appeal on ground (a) is that, in respect of any breach of planning control which may be constituted by the matters stated in the EN, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged.
11. The main issues in this case are:
- a) whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - b) if the proposal is inappropriate development, its effect on openness;
 - c) if the proposal is inappropriate development, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Whether inappropriate development

12. The appeal site lies within the Metropolitan Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. It also sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
13. Policy 49 of the Local Plan sets out that new buildings and certain other forms of development are inappropriate development in the Green Belt unless they are one of the listed exceptions. The proposal does not accord with any of the exceptions listed here, albeit they relate to earlier iterations of national policy, not the current version. Policy G2 of The London Plan says that the Green Belt should be protected from inappropriate development, but it defers to national planning policy for determining what is inappropriate development in the Green Belt. Therefore, given the inconsistency of Local Plan Policy 49 and the approach of London Plan Policy G2, I give greater weight to the provisions of the Framework insofar as determining whether the proposal is inappropriate development.
14. The main parties agree that the proposal does not accord with any of the exceptions listed in Framework paragraph 154. Framework paragraph 155 also sets out that the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where all the listed criteria apply (a to d). Part d of this paragraph is not relevant in this case.
15. Given the lack of any material changes since the 2025 decision which related to the adjacent land that would lead to a different assessment against purposes (a), (b) and (d), the proposal uses grey belt land. While the development has resulted

in encroachment into the countryside, it is modest and well screened from various points around the appeal site. Furthermore, traveller sites are to be expected in different locations, and sites should not be enclosed or isolated from the rest of the community. Hence, the proposal has not fundamentally undermined the purposes of the remaining Green Belt in Bromley when they are taken together.

16. In terms of Framework paragraph 155(b), the 2025 decision did not grant planning permission for a dayroom, so the proposal is the only provision for the extended pitch. There are several occupants on the pitch² and dayrooms on Gypsy and Traveller sites are generally recognised as providing essential communal space for everyday activities, socialising and children's schoolwork outside of the main living areas within caravans. There is, in principle, a need for a dayroom. However, a specific judgement is required about whether this dayroom satisfies Framework paragraph 155(b), including consideration of its size and accommodation. But my assessment relates to the merits of the DPA, not some potential alternative location within the extent of the existing consented pitch as the Council suggests.
17. Inside the brick-built dayroom there is a bathroom with a large jacuzzi bath, toilet and sink, an education room, an open plan kitchen, dining and lounge area, a utility/storage room to wash, dry and store clothes, a sauna and a steam room. The dayroom's footprint is around 16.5 metres by 11.4 metres. Its ridge height is around 5.3 metres. The dayroom has a footprint of around 142m² to 153m² subject to the precision of the decimal places. But whichever figure is correct, the dayroom is considerably larger than the approximate size of a pair of amenity buildings³.
18. However, the bathroom, education room, kitchen, dining and lounge area all satisfy a demonstrable unmet need for the site's occupants given their number. The bath may be large, but it is not a standalone jacuzzi. The education room is needed by the appellant's children so that they can do their school work in a specific space. The use of the dayroom by the appellant's brother and his family (wife and four children) only adds to the need, as they do not have a dayroom.
19. There is a good-sized room used as a utility/storage room for clothes. This room contained a washing machine or dryer, but it was awaiting to be repaired. I have no reason to doubt that this will be done given the number of children on the site. This room therefore satisfies a demonstrable unmet need for the site's occupants.
20. The appellant says that the sauna and steam room help him with his health and wellbeing due to his medical conditions. I have been provided with his medical evidence which he says corroborates his witness statement. But the witness statement is in draft, unsigned and not witnessed, so it carries limited weight. That said, the appellant verbally explained matters at the hearing, and I have considered the substance of his written and oral submissions.
21. The appellant's medical conditions are ongoing, and he has made considerable progress over a sustained period aided by his family's support, leading to his increasing self-management of his conditions. However, the medical evidence does not establish a link between his conditions and the sauna or steam room. I do not doubt that they assist his (and his family's) wellbeing and he explained orally that they prevent issues from occurring, but that evidence is anecdotal. I therefore find that a demonstrable unmet need for the sauna and steam room has not been shown. My findings on the other facilities within the dayroom do not alter my view that there is no demonstrable unmet need for the dayroom as a whole.

² appellant and his wife, their six children of varying ages, and a grandchild is shortly expected

³ Appellant Hearing Statement, Appendix A09, P67

22. It follows that, although the eaves height of the dayroom is consistent with that of a single-storey building, the size and footprint of the dayroom and its consequential ridge height are larger than an approximate pair of amenity buildings. There is not therefore a demonstrable unmet need for the dayroom in this case.
23. The hardstanding is used by the family for socialising, children's play, and movement between caravans, but not for vehicles. Outdoor play equipment is located on it and forms part of the residential use of the land, as it is not a 'building'. It also accommodates a caravan used as ancillary accommodation by the appellant's eldest son, who lives semi-independently but remains reliant on his parents and wider family unit. The boundary fencing defines and secures the extended pitch, particularly given the adjacent road and steep drop in ground levels to the south-west. There is therefore a demonstrable need for the hardstanding, fencing, and associated residential use of the land, although the EN does not require that residential use to cease. The hardstanding, fencing and the use of the land accord with Framework paragraph 155(a), (b) and (c).
24. The dayroom does not satisfy Framework paragraph 155(b) and is inappropriate development in the Green Belt even if it satisfies the other criterion in this paragraph. Therefore, the appellant's fallback position is relevant given that the EN does not require the residential use of the land to cease. On this basis, the appellant would seek to alter their site licence to include the appeal site, and while I have no reason to doubt that they would seek to use permitted development rights which may flow from having a corresponding site licence, these would not enable a new dayroom to be built. Instead, planning permission would be needed. So, although there is a real prospect of the fallback position occurring, any new dayroom would likely be smaller given my findings even if planning permission was granted. This would have a less harmful effect on the Green Belt than the dayroom subject of the EN, and hence it does not justify this part of the proposal.
25. The appellant also stated that further caravans could be stationed on the land. If this were to happen, the site's size and shape would limit how many caravans could be stationed on the land. They would also have a lower height than the dayroom⁴, so the whole fallback position would have a less harmful effect on the Green Belt than the dayroom, and it does not justify this aspect of the proposal.
26. For the reasons explained, I conclude that the dayroom is inappropriate development in the Green Belt, as it conflicts with Framework paragraphs 154 and 155, Local Plan Policy 49 and London Plan Policy G2.
27. Although the hardstanding, fencing and the use of the land also conflict with Local Plan Policy 49, I conclude that this conflict is outweighed by the compliance of these elements with Framework paragraphs 154 and 155 and London Plan Policy G2 given that they are not inappropriate development in the Green Belt.
28. Because of my finding in respect of main issue a), I shall consider main issues b) and c) solely in respect of the dayroom.

Openness

29. The dayroom is of a considerable size, and it occupies land that was previously undeveloped. There has been a spatial loss of openness, albeit this is very modest because of the size of the appeal site and the nearby road and rail network. A modest visual loss of openness has also arisen because of the size, scale and

⁴ Caravan Sites Act 1968, Part 3, Section 13

form of the dayroom. This is mainly experienced from the footpath that extends northwards from Sevenoaks Road past the eastern part of the site. But this effect is minimised by existing landscaping and topography, so I conclude that limited harm has been caused by the dayroom's effect on the openness of the Green Belt.

Other considerations / other matters

30. Most of the accommodation within the dayroom would help meet the appellant's family's needs, as it provides a minimum and desirable range of facilities⁵, but it also contains facilities for which there is not a demonstrated unmet need for. This means that the size and footprint of the dayroom and its ridge height are larger than an approximate pair of amenity buildings.
31. Several appeal decisions have been cited by the appellant. The decision at Rudge Road is not comparable, as that site did not lie in the Green Belt, and so, there are different policy considerations in the case before me. The decisions at Whitney House Farm and 2 High Lane concern a replacement dayroom or an extension to an existing dayroom. But in both cases the resultant dayrooms are considerably smaller than the dayroom here, so they are not directly comparable. The decision at Sunningdale granted planning permission but with conditions so that the larger dayroom was reduced in size to around 80 to 90 m², so while that size of dayroom was justified due to its use by several generations of the same family, it is still smaller than the dayroom here. Thus, this decision does not justify the dayroom's overall size.
32. The dayroom at Meadow View formed part of a larger traveller site, and there was no limitation on the number of caravans that could be placed upon it. The dayroom did have two rooms in addition to a living/dining room and kitchen and bathroom, and case-specific judgements were reached in respect of them. Although one of the rooms was justified on medical grounds, this does not change my assessment of the medical evidence before me in this case. Therefore, this decision does not justify the dayroom in this case.
33. So, while the dayroom carries weight in favour of the appeal, for the reasons set out in main issue a) there are factors which temper that. Overall, I give moderate positive weight to the provision of the dayroom.
34. Despite the size of the dayroom, its location and the well-screened boundaries mean that its effect on the character and appearance of the area is limited, as it is viewed in the context of two established traveller pitches. While traveller sites are to be expected within semi-rural and rural locations, they do not necessarily need to be screened from view. Existing planting will continue to establish over time, so the dayroom (and the other development subject of the EN) do not have a harmful effect on the character and appearance of the area. A planning condition to secure further planting is not necessary, as the proposal causes a neutral effect on the character and appearance of the area.
35. The site is within a Site of Importance for Nature Conservation (SINC) of Borough-level significance. The EN states that the development has had an adverse effect on the SINC and/or any important or protected species that may be inhabiting, foraging and/or commuting through the site, but there is no substantive ecological evidence before me either way. Much of the SINC is physically separated from the appeal site by the A21, and it is also highly likely that parts of the SINC which were the subject of the 2025 decision have seen their ecological characteristics change.

⁵ Appellant Hearing Statement, Appendix A09, Paragraphs 7.18 and 7.19

36. The EN does not require the residential use of the land to cease, so if all the EN's requirements are complied with, planning permission will be treated as having been granted by virtue of s73A of the Act (s173(11) of the Act). Permitted development rights would flow from that position, and therefore the effect on the SINC would be similar. As such, there would not be a significant effect on the nature conservation interest of the SINC, but if one had sufficient land is within the appellant's control to secure mitigating measures through a planning condition. This matter carries neutral weight.

Conditions

37. Given that the residential use of the land is an extension to an established Gypsy and Traveller pitch, and the accommodation on the land, it is necessary to define who can occupy the site. Conditions to restrict commercial activities and the size of vehicles on the land are both necessary in the interests of the character and appearance of the area. A condition to secure a site development scheme is necessary so that biodiversity enhancements are obtained. I have had regard to the alternative timetables put forward by the main parties but consider the time periods within the condition that I have imposed are reasonable bearing in mind the extent of the scheme to be submitted and implemented.

Conclusion on ground (a)

38. I have found that the hardstanding, fencing and the use of the land are not inappropriate development in the Green Belt. These elements accord with London Plan Policy G2 and Framework paragraphs 154 and 155. My conclusion here outweighs the conflict with Local Plan Policy 49. There is also no conflict with Local Plan Policies 69 and 72 and London Plan Policy G6 insofar as the SINC. They do not harm the character and appearance of the area, and as such, there are material considerations that indicate that I should take a decision other than in accordance with the development plan.
39. The dayroom is inappropriate development in the Green Belt, and it conflicts with Local Plan Policy 49, London Plan Policy G2 and Framework paragraphs 154 and 155. The dayroom also causes limited harm to the openness of the Green Belt, but it does not harm the character and appearance of the area or the SINC, so there is no conflict with Local Plan Policies 69 and 72 and London Plan Policy G6. But the Green Belt harm attracts substantial weight, and in respect of the dayroom, I consider that the other considerations do not clearly outweigh the identified harm. Therefore, the very special circumstances necessary to justify the development do not exist, and there are no material considerations that indicate that I should take a decision other than in accordance with the development plan.
40. Given my findings about the hardstanding, fencing and the use of the land and my power under s79(1)(b) of the Act, I shall consider whether to issue a split decision. The hardstanding, fencing and the use of the land are physically and functionally severable from the dayroom, as they can be used for their intended purpose without it. I am conscious that a split decision was not raised by the main parties nor I at the hearing, but no injustice would be caused because the merits of the different elements were subject to written and oral submissions. They are all also part of the matters and part of the land to which the EN relates. I shall therefore issue a split decision on the ground (a) appeal but leave the requirements of the EN unchanged. This means that the appellant can rely upon s180(1)(a) of the Act as the EN will cease to have effect so far as inconsistent with the permission.

41. I conclude that the appeal on ground (a), in part, succeeds, and, in part, fails. I shall grant planning permission for the hardstanding, fencing and the use of the land as described in the EN as corrected, but not grant planning permission for the dayroom.

The appeal on ground (f)

42. An appeal on ground (f) is that the steps required by the EN to be taken, or the activities required by the EN to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach. Given my findings on the hardstanding, fencing and the use of the land, and the appellant's grounds of appeal in respect of ground (f), I do not need to consider this ground any further.

The appeal on ground (g)

43. An appeal on ground (g) is that that any period specified in the EN falls short of what should reasonably be allowed.
44. The appellant says that the compliance period is insufficient and instead seeks a two-year period to comply with the EN's requirements so that the occupiers living on the site can seek and gain planning permission for a dayroom in an alternative location and retain the existing dayroom until the alternative provision is provided.
45. A two-year compliance period is effectively a temporary planning permission. This calls into question whether it was expedient for the Council to issue the EN in the first place. Extending the compliance period to two years would be exceptional, and there are no such circumstances in this case that would warrant such an approach when, effectively, a dayroom is to be built somewhere else on the pitch.
46. But it is reasonable to extend the compliance period, as this is an insufficient time period to prepare and submit a new planning application and for the Council to determine it. A year is a more likely and reasonable time period for these steps to take place, and I shall vary the EN to this effect. On this basis, the appeal on ground (g) succeeds.

Conclusion

47. For the reasons given above, I conclude that the ground (c) appeal succeeds to the extent that the plan appended to the EN is substituted. Further, I conclude that the ground (a) appeal should succeed in part only. I will grant planning permission for the hardstanding, fencing and the use of the land, but otherwise I will uphold the EN with corrections and a variation and refuse to grant planning permission in respect of the dayroom. By virtue of section 180(1) of the Act, the requirements of the EN will cease to have effect so far as they are inconsistent with the planning permission hereby granted. I also conclude that the period for compliance with the EN falls short of what is reasonable, so I shall vary the EN prior to upholding it. The appeal on ground (g) succeeds to that extent.

Andrew McGlone

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, and all other people with a cultural tradition of nomadism or living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 2) No commercial activities shall take place on the land including the storage of materials.
- 3) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
- 4) The use hereby permitted shall cease and all caravan(s), structures, equipment and materials brought onto the land for the purposes of such use shall be removed and the land shall be restored to its former condition within 28 days 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 site development scheme for biodiversity enhancements (including details of species, plant sizes and proposed numbers and densities) shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - ii) if within 11 months of the date of this decision the local planning authority refuse to approve the scheme 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 scheme shall have been approved by the Secretary of State.
 - iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

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.

END OF SCHEDULE

APPEARANCES

FOR THE APPELLANT:

Matthew Green	Director, Green Planning Services Ltd
Edward O'Driscoll	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

David Bord	Principal Planning Officer, London Borough of Bromley
Robin Evans	Principal Planning Officer, London Borough of Bromley

DOCUMENTS SUBMITTED AFTER THE CLOSE OF THE HEARING

- 1 – Appellant medical information by email dated 3 July 2026
- 2 – Council email dated 7 July 2026
- 3 – Appellant response by email dated 13 July 2026



Plan

This is the plan referred to in my decision dated: 5th August 2026

by Andrew McGlone BSc MCD MRTPI

Appeal Ref: APP/G5180/C/26/3378375

Land adjoining and to the west of Jodeen Animal Sanctuary, Sevenoaks Road, Halstead, Kent TN14 7HR

Scale: DO NOT SCALE

