



Appeal Decisions

Hearing held on 2 June 2026

Site visit made on 2 June 2026

by **T C King BA(Hons), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 August 2026

Appeal A Refs: APP/Y9507/C/26/3377648, APP/Y9507/C/26/3377649, APP/Y9507/C/26/3377650 and APP/Y9507/C/26/3377651

Land at Land east of New Barn Farm Lane, Blendworth, Hampshire, PO8 0QG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeals are made by John Eastwood, Anthony Pullen, Stephen Wayne and Bobby Knight against an enforcement notice issued by South Downs National Park Authority.
 - The notice was issued on 16 January 2026.
 - The breach of planning control as alleged in the notice is Without planning permission and within the last 10 years, the stationing of caravans and a motor home for the purpose of human occupation and the use of a stable building as a utility room..
 - The requirements of the notice are:
 - 1) Discontinue the residential use of the land;
 - 2) Remove all caravans and motor home(s) from the land;
 - 3) Discontinue the use of the stable building, outlined in blue in the approximate position shown on the attached plan, and remove from within it all domestic, personal and residential items, including white appliances, furnishings, sink(s), shower tray and associated plumbing;
 - 4) Break up the hard surface area hatched black in the approximate position shown on the attached plan;
 - 5) On completion of step 4) above remove all resulting debris from the land including hard core, aggregates, stones, and membrane fabric from the area hatched black marked in the approximate position on the attached plan;
 - 6) On completion of steps 1) to 4) restore the land to grassed paddock.
 - The period for compliance with the requirements is 8 (eight) months from the date this notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(c) and (g) of the Town and Country Planning Act 1990 (as amended).
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Appeal B Ref: APP/Y9507/W/25/3378215

Land East of New Barn Farm Lane, Blendworth, PO8 0QG

- 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 John Eastwood against the decision of South Downs National Park Authority.
 - The application Ref is SDNP/25/03806/FUL.
 - The development proposed is the change of use of land for the stationing of caravans for residential use, construction of utility building and associated landscaping.
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Decisions

Appeal A

1. It is directed that the enforcement notice be varied by extending the period for compliance from eight to twelve months. Subject to this variation the appeal is dismissed and, the enforcement notice is upheld.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. The plan attached to the enforcement notice, when issued, was incomplete and did not correspond with the stated required steps to be taken. The steps referred to a stable building 'outlined in blue' and hardstanding 'hatched black'. However, the plan had no such markings, merely showing the land ringed red.
4. The enforcement notice had been issued on 16 January 2026, it was then appealed on 1 February 2026 - whereby the initial details on the grounds appealed were outlined which raised the matter of the incomplete plan - following which, in response, a revised plan was issued and accompanied an e-mail sent to the appellant on 5 February. Given that the South Downs National Park Authority (SDNPA) quickly rectified the matter and, moreover, that the appellant knew, first hand, the positioning of the stable building and the hardstanding – items he referred to in his initial grounds – I am satisfied that the appellant(s) was not prejudiced by the SDNPA's initial error.
5. The government's Planning policy for traveller sites (PPTS) issued in December 2024, describes gypsies and travellers 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 dependents' educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan...'

6. The latest reiteration of the National Planning Policy Framework (the Framework) was published earlier this month and provides advice on gypsy and traveller developments and also on protecting the natural environment. The latter is particularly relevant given the site is located within the South Downs National Park (SDNP).
7. Refusal Reason no 6 of the SDNPA's decision notice says that the application has failed to provide the required mitigation to offset the impacts of the development on the European protected Solent Complex from the resultant nitrogen and sewage generated from the residential use. At the Hearing the appellant's agent said that it was common ground between the parties that the matter could be mitigated through a planning obligation offered by way of a unilateral undertaking (UU). Accordingly, a draft UU had already been sent to the SDNPA for consideration.
8. The SDNPA witness claimed not to have had sight of this document. The witness did agree, though, that the matter could be potentially be resolved by such an approach and, subsequent to the Hearing, the SDNPA confirmed that the agent had re-sent the draft UU for consideration.
9. At the Hearing the SDNPA confirmed that it would be offering no evidence in support of its reason for refusal no 4 which concerns the use of generators, pumps or other mechanical equipment at the site. Accordingly, it was put to me that this refusal reason can be considered as withdrawn.

10. Also, at the Hearing, it was agreed between the parties that matters concerning drainage could be resolved by way of a suitably worded condition imposed on any planning permission granted.
11. Given my decision to dismiss Appeal B and refuse planning permission, it is not, therefore, necessary that I explore these matters further.

The current planning position

12. The appellant indicates that he has occupied the appeal site since July 2025. Between 2016 and 2020, he had lived at a site in Basingstoke, but then spent a few years without any settled base. After moving onto the site a retrospective application was drawn up and submitted for planning permission last September. Permission was subsequently refused on 2 December 2025 and, given the appellant's continued occupation, the SDNPA saw it expedient to take formal enforcement action in an attempt to secure the cessation of the unauthorised use. The enforcement notice, with its requirements to this end, was served in January 2026.
13. Regarding land in the immediate vicinity, some of which adjoins the appeal site, there have recently been two unsuccessful s78 appeals involving proposed residential uses for gypsy and traveller purposes; firstly, in November 2022, (APP/Y9507/W/21/3276708) and, more recently, in February 2025, (APP/Y9507/W/23/3328547). In dismissing these appeals both Inspectors concluded that the respective proposals would fail to conserve or enhance the SDNP's landscape and scenic beauty, thereby causing harm to the SDNP. Both Inspectors also cited policy conflict with the South Downs Local Plan, adopted in 2019 (LP) which is the development plan for the area, and covers the plan period of 2014 to 2033.
14. Both the above decisions represent clear material considerations in the determination of the current appeal B. The LP remains the adopted development plan, and the PPTS definition, which was broadened from the definition given in the previous version of the PPTS from 2015, was before the Inspector when determining the 2025 appeal.
15. A replacement local plan is emerging and the Regulation 19 submission version was approved by the SDNPA in March 2026. It is expected that the draft plan will be submitted for examination before the end of the calendar year, and the SDNPA anticipates its adoption in 2027, although this cannot be certain. Nonetheless, at the Hearing certain draft policies were referred to, which I shall address later in this decision letter.
16. At the time of my site visit it was evident that, on two nearby paddocks, land was also being occupied for gypsy and traveller purposes. I was informed that this was unauthorised although planning applications were before the SDNPA in an attempt to regularise matters. I am unaware as to the current status of these applications.

Appeal A

The appeal on ground (c)

17. An appeal on ground (c) is the appellant's claim that, either the development undertaken, although on the face of it requiring planning permission, does not need

a formal consent as it falls within the parameters of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) or, alternatively, the works do not actually constitute development under s55 of the 1990 Act.

18. Here, the appellant is pleading a ground (c) defence only in respect of the hardstanding laid, targeted by the enforcement notice, and this is on the claim that hardstanding has existed at the site since approximately 2020. It is thereby considered that some of this may be lawful.
19. In essence, the appellant is claiming that no enforcement action can be taken against the hardstanding, or rather part of, as it has acquired immunity from such due to the passage of time. This, in fact, would represent an appeal under ground (d) for which precise and unambiguous evidence is required to show, on the balance of probability, that the breach of planning control does, indeed, enjoy immunity from enforcement action. Although I would have been prepared to accept the claim as a hidden ground the area of the hardstanding being referred to has not been specifically identified. Accordingly, the claim lacks precision, is inexact, and it has not been satisfactorily demonstrated that the site can be considered as previously developed land.
20. In the circumstances, as a ground (c) appeal is not appropriate here – the hardstanding cannot be considered as permitted development under the GPDO – the evidence put forward is insufficient to adequately meet the standard required for a ground (d) appeal to succeed.
21. The appeal on legal grounds does not, therefore, succeed.

The appeal on ground (g)

22. An appeal under ground (g) is that the appellant considers the stipulated period for compliance is unreasonably short. Given that there would be a fair bit of disruption and inconvenience from having to vacate the land and, mindful of the occupiers' welfare, I shall extend the compliance period from 8 to 12 months. The appellant requested that the period be increased to 18 months, but this would be tantamount to a temporary planning permission, a matter which I discuss later in this decision letter.
23. The appeal, therefore, succeeds to this extent.

Appeal B

24. The appeal seeks planning permission for the matters and breach of planning control, the subject of the enforcement notice.

The local need for pitches

25. The identified need for land to be used for gypsy and traveller purposes in East Hampshire is set out in the East Hants District Gypsy and Traveller Accommodation Assessment (GTAA), published in 2020. This document includes the need for the area of the SDNP within East Hants. The GTAA was updated in July 2024, and shows a need for 12 pitches within this part of the SDNP which would apply to gypsies and travellers who went by the PPTS definition prior to the change set out in the 2024 version. The GTAA also shows an identified need for at least 2 pitches for undetermined households.

26. On the above basis the appellant says that the revised definition means there is a greater unmet need for pitches than the updated GTAA suggests. Both main parties acknowledge that there is a lack of alternative sites within the confines of the SDNP.
27. I afford the unmet need significant weight, although there are a number of other factors which need to be factored in.

Main Issues

28. Given that it has been agreed between the main parties that certain matters could be resolved by means of a planning obligation and a planning condition, the main issues in this appeal are:
- 1) whether the proposed use of the land is in an appropriate location given the National Park setting and also, on this point, the proximity in relation to the nearest settlement; and
 - 2) the effect of the development on the character and appearance of the surrounding area and the effects of any resultant noise disturbance and light pollution arising from the residential use of the land.

Reasons

Location

29. The appeal site is located outside of a settlement boundary, and is, therefore, in the open countryside. It is distanced approximately 1km from the village and settlement boundary of Blendworth. This is apparently a small village which has no shops, schools or welfare services.
30. The land immediately surrounding the appeal site has been subdivided into individual paddocks, separated by post and rail fencing, with the wider surroundings characterised by undulating fields, hedgerows and woodland.
31. National Parks are classified as a nationally protected landscape and have the highest level of protection. The Framework advises that development proposals within should be limited in scale and extent and sensitively located and designed to avoid harm to the statutory purposes and special qualities of the protected landscape.
32. Although preceding the new Framework the PPTS says in paragraph 26 that local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements
33. The Framework says that only certain forms of development should be approved outside settlements and this includes development which would address an evidenced unmet need for gypsy and traveller purposes and would satisfy policy HO12 thereto. This policy advises that such sites should be located so that they provide a settled base, but should enable access to frequently used services, such as education, health services and schools. This represents the main elements of sustainable location for new housing development but, for traveller accommodation, the advice indicates that some flexibility might be applied.

34. Indeed, the above reflects the heavy reliance on the private motor vehicle which is often a typical consequence of traveller sites occupied within the countryside. Accordingly, I give reduced weight to LP policy SD19 in this instance.
35. The appeal site is not allocated for development nor is it safeguarded for the proposed use and save for the acknowledged unmet need, which is not considerable in terms of actual numbers, I am of the view that the development is in conflict with LP policy SD25 in that the nature of the use in this contextual setting is not considered as appropriate. This is reinforced by my findings on the second main issue below.

Character and appearance

36. LP policy SD4 says that development proposals will only be permitted where, amongst other things, they conserve or enhance landscape character by demonstrating that the proposals are informed by landscape character. This means that the existing landscape, ecology and character of the site should form the starting point for development to evolve. LP policy SD5 takes this approach further in requiring that development proposals will only be permitted where they integrate with, and also respect and sympathetically complement, the landscape character.
37. When taken with LP policies SD7 and SD8 which are concerned, respectively, with preserving the relative tranquility of the environment and conserving the intrinsic quality of dark night skies, thereby discouraging unmitigated noise and light pollution - which goes hand in hand with residential development - it clearly points to the inappropriateness of the development at issue.
38. Although I acknowledge that the use of the land, in this instance, is reasonably low key, I am mindful that permitting the change of use of the land to a caravan site – which is the essence of the proposal - albeit that the caravans would be conditionally limited in number – would go against the general aims and objectives of protecting the natural character and amenities of the national park.

Other Considerations

Personal circumstances

39. The appellant occupies the site with his partner, their four children, of which at least one is still of school age, and also his parents. The appellant has indicated that the family is registered with Horndean doctor's surgery, which is presumably local to the site. It is also said that his father is not in the best of health, which I have borne in mind in extending the compliance period.

Public Sector Equality Duty (PSED), Human Rights and the Best Interests of the Child

40. In instances where gypsy and traveller accommodation is at issue, and targeted by planning enforcement action, I am required to have regard to persons with protected characteristics when applying the duties under s49 of the Equality Act 2010. There is also a positive duty by virtue of Article 8 of the Human Rights Act to facilitate the traditional and nomadic way of life of travellers. However, in considering the proportionality of a requirement to leave one's home it is relevant whether or not the home was established unlawfully.

41. Article 8 of the European Convention on Human Rights provides that there should be respect for private and family life, home and correspondence. In this regard there should be no interference by a public authority with the exercise of this right except such as is in accordance with the law and necessary, amongst other things, for the protection of the rights and freedoms of others.
42. Accordingly, if Article 8 is engaged, then interference with those rights can be justified by the Council if it is for a legitimate aim and considered necessary in the public interest. In this particular instance I am firmly of the view – and I have illustrated why – the Council’s remedial actions serve a clear and justifiable planning purpose.
43. Article 3(1) of the United Nations Conventions on the Rights of the Child provides that the best interests of the child shall be a primary consideration in all actions by public authorities concerning children. Obviously, a roadside existence is less than ideal and should be averted or, in cases such as this, delayed where possible.
44. In 2013, in the High Court judgement of *Stevens v SSCLG* [2013] EWHC 792 (Admin) it was held that where the Article 8 rights are those of children, their best interests are a primary consideration. Once identified, although a primary consideration, the best interests of the children were not determinative of the planning issue, but no other consideration was more important or to be given greater weight, and those best interests had to be kept at the forefront of the decision maker’s mind.
45. Importantly, though, it was held that the best interests of the children were not only not determinative, neither were they paramount, with the judge noting that Article 3 says “*a primary consideration*” rather than “*the primary consideration*”. Nor should they be considered temporally or logically first.
46. In the case the planning appeal Inspector, in her assessment, had referred to the children’s benefit as carrying moderate weight. However, the court decided that, after examining all the material considerations, she was not giving the children’s best interests inherently less weight than the visual harm to which the development had given rise. She was, therefore, fully entitled, after that analysis, to conclude that the dismissal of the appeal against the refusal of planning permission would not have a disproportionate impact on the family.
47. Also in 2013, the Court of Appeal heard the case of *Collins v SSCLG* [2013] EWCA Civ 1193, where it was held that whether the best interests of the children had been taken properly into account, the overall exercise was a question of substance to be answered by the detailed reasoning of the decision letter as a whole. It was acknowledged that the Secretary of State had, in substance, taken the view that the best interests of the children coincided with those of their families as a whole and lay in remaining on the site, but that the children’s best interests and the other factors in favour of granting planning permission were outweighed by the harm that would be caused.
48. In the current appeal children are present at the site whose ages were 7, 15, 16 and 18 when the appeal was lodged in February. It was said at the Hearing that efforts were being made to register the 7 year old at Horndean primary school. I am mindful that her education could be interrupted if the family were forced to move from the site, and I give this considerable weight. I am, though, satisfied that an

extension of time to twelve calendar months, expiring at the end of August 2027, would allow for the occupiers to vacate the land and potentially give sufficient time to arrange for alternative schooling elsewhere.

The emerging replacement SDNP Local Plan

49. The SDNPA says that the draft policies in the emerging replacement development plan now have some limited weight in planning decisions. In particular, policy SDH10 sets out how the SDNPA hopes to meet the needs of gypsies and travellers, and provides criteria that should be satisfied when considering unidentified sites which might come forward. However, importantly, policy SDA31 has earmarked the inclusion of 14 pitches on a strategic allocation at Liphook.
50. The appellant makes the point that this would represent a major development in the SDNP, and it is not guaranteed that policy SDA31, following its examination in public, would remain unchanged. Nonetheless, the approach is an indication that the SDNPA is attempting to meet its statutory requirements by way of an allocation to meet, at least in part, the actual degree of unmet need.

Intentional unauthorised development

51. As a result of a previous Written Ministerial Statement it has been indicated that intentional unauthorised development (IUD) is a material consideration that should be weighed in the determination of planning applications and appeals. Indeed, the new Framework reinforces this and indicates that in cases of applications or appeals for retrospective development IUD should be assessed and given substantial weight in considering whether to grant planning permission.
52. Here, occupying the land was clearly done in the knowledge that planning permission was required; although I acknowledge that an application was submitted to the SDNPA subsequent to taking occupation. Nonetheless, in light of the recent appeal decisions in the immediate area, the planning position would most likely have been evident to the appellant and/or his agent if instructed at this time. At the very least a simple enquiry made to the SDNPA would have revealed as such.

Planning Balance

53. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Apart from some recognised unmet need the relevant policies cited strongly indicate that the proposal should be refused for the reasons given.
54. I have had regard to the various paperwork submitted by the appellant who, in particular, has made reference to previous appeal decisions in an attempt to support his case. Appeal decisions, though, are essentially site sensitive and are subject to individual factors and the particular circumstances involved. Accordingly, save for the application of policies, the material considerations arising will often vary, and direct parallels cannot be easily drawn. That said, there are obvious clear similarities with this case and the issues identified in the recent appeals on adjacent land.
55. I have considered the possibility of granting a temporary planning permission, that is one subject to a time limitation condition. However, given the clear policy objections, the recent unsuccessful appeal decisions and the fact that I witnessed

new unauthorised development on nearby paddocks, I have reached the conclusion that permitting the use, even for a temporary period, would be inappropriate.

56. Realistically, temporary planning permissions often overrun and I am mindful of the site's sensitivities, its surroundings, and the consequent discouragement of new development which neither conserves nor enhances the landscape character and general environment of the SDNP. This is a case in point. Accordingly, I have concluded that the impacts of the development in this contextual setting are significantly harmful to the extent that they outweigh the unmet need for land for gypsy and traveller purposes. Also, importantly, although the use has resulted from the appellant's needs, the decision to locate at this particular site represents a personal choice.
57. The SDNPA accepts that there is a current lack of alternative sites but, in this connection I have had regard to the intended strategic allocation to be included in the forthcoming replacement local plan.
58. Given that I am satisfied that there is sufficient reason to extend the time period for compliance, in twelve months time the emerging replacement local plan should hopefully be nearing its final stages and may provide some certainty as to future provision in the local area.

Conclusions

59. I have found that the proposal is contrary to the development plan as a whole. In particular, the use is in direct conflict with policies SD4, SD5, SD7, SD8, SD25 and SD33 which cumulatively, taken together, provide an overriding reason for dismissing the appeal and refusing planning permission.
60. For the above reasons, and having had regard to all matters raised, the appeal does not succeed,

T C King

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Ben Kirk – Appellant’s Agent
John Eastwood - Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Shona Archer (Planning enforcement manager)
Christopher Peters (Principal planning officer)

INTERESTED PARTIES:

Chris Hatter
Councillor David Evans