



Appeal Decision

Hearing held on 18 August 2026

Site visit made on 18 August 2026

by T C King BA(Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2026

Appeal Ref: APP/C3240/C/26/3378444

**Land to the North of Rodington Vineyard, Sugden Lane, Telford,
Shropshire TF6 6ND**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Luke McDonald against an enforcement notice issued by Telford and Wrekin Council.
 - The notice was issued on 25 March 2026.
 - 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 use including the siting of a caravan for residential purposes and laying of hardcore to form a hardstanding area.
 - The requirements of the notice are:
 1. Cease the residential use of the land, including the occupation of the caravan in the approximate location shown blue on the attached plan, for human habitation;
 2. Remove the caravan in the approximate location shown blue on the attached plan from the land;
 3. Reinstate the fencing and gates which were removed to facilitate access for the siting of the caravan;
 4. Remove all domestic items. Paraphernalia, structures, equipment and materials associated with the unauthorised residential use; and
 5. Restore the land to its condition prior to the unauthorised development, including removing the hardstanding laid to implement the unauthorised change of use and re-grassing the former paddock area shown in yellow on the attached plan
 - The period for compliance with the requirements is within 3 months from the date upon which this notice takes effect.
 - The appeal is proceeding on the ground[s] set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. It is directed that the enforcement notice be varied by the compliance period being changed from three months to six months. Subject to this variation the appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act, as amended.

The appeal on ground (a) – the deemed planning application (DPA)

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

Preliminary Matters

3. The latest National Planning Policy Framework (the Framework), published in August 2026, effectively incorporates the advice from the government's Planning policy for traveller sites (PPTS). Indeed, the PPTS as a stand-alone document, has

been superseded with its guidance now integrated into the Framework so as to streamline policies and ensure that traveller site applications are judged consistently alongside other housing applications. In the circumstances, the Framework's policy HO12 is now the central national decision making policy for such sites.

4. Policy S5 of 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 the requirements of policy HO12 thereto. Further, the policy recognises that a travellers' site, with its traditional residential and working pattern may contribute to sustainability and can mean that a location which is not well related to an existing settlement may still be appropriate in planning terms.
5. When faced with a planning application, or a DPA (as is the case here) it is therefore necessary to take into account the existing need for additional sites, and also relevant personal circumstances along with the status of the occupiers.
6. At the time it was issued the enforcement notice identified, targeted, and required for the removal of a single caravan. However, the appellant, in his representations, says that there were two mobile homes stationed on the land – both used for habitable purposes - when the notice was served. That was certainly the situation when I visited the site. On this basis the appellant has requested that I take account of this in assessing the DPA. The legislation requires, though, that I can only consider the application to the extent of the allegation specified; ie one caravan in use for residential purposes, and the requirement for its removal.
7. Under the provisions of section 176(1) of the 1990 Act, as amended it is open to me to correct any defect, error or misdescription in the enforcement notice or to vary its terms if I am satisfied that the correction or variation will not cause any injustice. The Courts have interpreted the power to correct a notice very widely and that those in s176(1) can extend to making significant changes to the terms of the notice so as to put it on a proper footing.
8. I cannot here, though, be certain that no injustice would be caused if I were to attempt to make the significant correction necessary, as the appellant has requested. The actual facts are not clear, and providing that the residential use of the land ceases, as the notice requires, then that should suffice in terms of the enforcement notice's purpose. Besides, it was the responsibility of the Council to correctly cite the allegation at the time that the notice was issued. In turn, it was the responsibility of the appellant to take issue with the identified breach of control at the outset of the appeal, yet no legal grounds were advanced.
9. Accordingly, I do not intend to alter the enforcement notice.

Local need for pitches

10. I understand that Telford & Wrekin Council and the adjoining authority, Shropshire Council, are currently looking into carrying out work on a Strategic Development Strategy to meet certain government planning criteria, and how they handle cross-border housing allocations, including gypsy and traveller provision. Currently, though, each Council has recently undertaken separate Gypsy and Traveller Accommodation Assessments (GTAA's). Telford & Wrekin Council's GTAA, which it is indicated included the 2024 PPTS's definition of gypsy and travellers, was

undertaken in 2023, and identified a residual need for 26 pitches after turnover by 2039/2040.

11. More immediately, the appellant refers to a recognised residual need of 17 pitches at the current time, which he says means there is a pressing need for additional provision, and is a significant material consideration.

The Telford & Wrekin Local Plan Review 2020-2041

12. The Council's Local Plan Review 2020-2041 (LPR) has undergone its Examination in Public (EIP) and the Planning Inspectorate published its report in October 2026, which concluded that, subject to certain modifications, the plan is legally sound.
13. In terms of gypsy and traveller land provision an expansion/intensification of two existing sites within the Council's area is intended along with a prepared criteria based policy approach on proposals for new sites. In response the Inspector merely said that this combined approach is justified based on the evidence given to the EIP, and he was satisfied that, despite significant efforts to identify additional suitable sites to allocate to meet that need in full, it had not been possible to do so.
14. The above finding reflects the Council's assertions made at the Hearing for the current appeal. It does not, of course, make any difference to the acknowledged current unmet need, but it does give an expectation that the identified 26 pitch requirement over the replacement Plan's period will be addressed.
15. The replacement Local Plan has yet to be adopted and, until such time, relevant policies from the Telford & Wrekin Local Plan 2011 – 2031 (LP) remain in effect, although the draft Local Plan Review document is a consideration.

Sustainability of location

16. The appellant says that although the appeal site is a rural area it benefits from reasonable proximity to nearby settlements which provide access to a range of services and facilities. From my observations when travelling to and from the site by car, along country lanes, its remoteness was apparent and I am not convinced of it being reasonably connected in this regard. Accordingly, there is an obvious heavy reliance on the private motor vehicle which is a typical consequence of traveller sites located in the countryside.
17. 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 is clearly not a sustainable location with poor levels of local provision and access to services, health and educational facilities but, in view of Framework policy S5 and the current unmet need, I have applied a degree of flexibility here which would not be so applicable to housing developments proposed outside settlements.

Main Issues

18. Having taken into account the issue of unmet need and the site's sustainability, the main issues in this appeal, taken from the Council's stated reasons for issuing the enforcement notice are:

1. the appellant's personal circumstances, gypsy and traveller status;
 2. the effect of the development on the character and appearance of the surrounding area; and
 3. the effect on the living conditions of neighbouring occupiers.
19. The above issues need to be considered along with various other material considerations which I discuss later in this decision letter.

Reasons

Personal circumstances and gypsy and traveller status

20. In late April 2026, at the time the appeal was lodged, the appellant indicated in his representations that there were two mobile homes on the land. One was occupied by his family, including his wife and three small daughters, and the other by his father and his wife. The appellant says that his father is now in poor health, and needs to live near his son.
21. At the Hearing it was indicated that this was still the case, although local interested parties suggested otherwise, and have referred to other, unrelated persons having resided at the site. In this respect posts on the appellant's Facebook account have been brought to my attention by the Council which contain photographs of a mint green coloured caravan; seemingly one of the two caravans on the land which I witnessed at my site visit. The post advertised the caravan was for rent at £750 per month, and it was clearly aimed at the public in general. The appellant, at the Hearing, said that his account was hacked into and he had no involvement in this.
22. However, there is nothing to corroborate the appellant's claims and, from the evidence provided – both written and oral – I have no convincing reason not to accept the advert at face value. Although I would accept that both the appellant and his father have gypsy/traveller status, it would also, though, suggest that one of the two caravans on the land is surplus to the extended family's requirements. Indeed, information provided by the appellant, as to his immediate family and their circumstances and needs was somewhat limited and scant. This is compounded by the fact that the land was prepared for occupation, with hardsurfacing laid, despite any application for planning permission made. This approach amounts to intentional unauthorised development which I shall discuss later.

Character and appearance

23. The two caravans sit towards the western end of this large, open site which is shown ringed in its entirety on the plan attached to the enforcement notice. Here, the expanse of hardsurfacing has been laid, seemingly from rubble brought onto the site. The origin of this material is unknown and could easily have contaminated the land.
24. The land was previously a paddock, accessed from a single track. I acknowledge that the visual elements of the current use could be mitigated somewhat by landscaping measures and planting carried out, but this would only serve to mask the use, and its effects on the immediate area would still be apparent.
25. The wider area is decidedly rural in character, with some scatterings of residential properties. The access to the appeal site, off Sugden Lane, passes behind the curtilages of a few dwellings that front The Avenue, a small cul-de-sac. Rodington

Vineyard lies beyond this and sits immediately to the south of the access track serving the appeal site.

26. An expanse of obtrusive, close-boarded timber fencing lines the north side of the accessway, and then a further stretch swings round to run the common boundary with a dog-training facility beyond, westwards.
27. Although the access track rises up into the site, and the caravans cannot be readily seen from the Sugden Lane it is likely that the use will be apparent by way of an increase in ambient noise levels along with traffic generated from the use. If I was granting planning permission then I could impose a condition limiting the number of caravans stationed at the site to a maximum of one – as I have mentioned, the DPA cannot go beyond this number – and given the size of the site, reinforced by the Facebook advert, the likelihood is that the site's use has the propensity for intensification with the possibility of additional caravans being brought onto the land. This, of course, is conjecture but the intentional unauthorised development already undertaken is a pointer as to how the land's future use might be managed, and the possibility therefore exists.
28. With the above in mind, and having looked eastwards over and across the lengthy and wide open field I am mindful that the general feel of the area, which has already been altered by the land's use, could easily be subject to intensification causing further detriment to its character.
29. As mentioned, Framework policy S5 discusses the principle of development outside settlements and indicates that these should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects. This includes development which would address an evidenced unmet need of land for gypsy and traveller purposes, and the policy cross references with Framework policy HO12, which concentrates more on sustainability. Instead, LP policy HO9 refers to adverse effects that might arise from such developments and the current use along with its impacts are inconsistent with the aims and requirements of this local policy.
30. For the reasons given I conclude on this main issue that the development causes significant harm to the open character and appearance of the surrounding area and landscape.

Living conditions

31. There is some obvious crossover between the development's effect on local character and that on the amenities or living conditions of neighbouring residents, such as noise disturbance. Gypsy sites, unlike standard housing, often employ intensive external lighting for safety, security and operational needs which can adversely impact on rural amenity.
32. Local interested parties claim that the site's occupants have no right to use the access track onto the site as they have no easement to pass over land which they have no legal interest in. This remains a civil matter and the legal issues involved are not relevant to this appeal. However, regular movement of large vehicles, towing vehicles and maybe commercial vans travelling up and down the narrow access track would cause intermittent noise and vibration disturbance. Indeed, at my site visit I noted that the width of the access track is less than ideal and it was indicated to me that an oak tree has had its branches damaged due to the restriction.

33. Again, therefore, for such reasons, the development conflicts with the objectives of LP policy HO9, and I have concluded that significant harm is caused to the living conditions of neighbouring residential occupiers.

Other Considerations

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

34. 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.
35. 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 is necessary, amongst other things, for the protection of the rights and freedoms of others.
36. Accordingly, if Article 8 is engaged, then interference with those rights can be justified by the Council if its enforcement action is for a legitimate aim and considered necessary in the public interest. In this particular instance I consider that the Council's remedial actions served a clear and justifiable planning purpose.
37. 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.
38. 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.
39. 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.
40. In that 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.

Intentional unauthorised development

41. Advice previously given through a Ministerial Statement regarding intentional unauthorised development (IUD), in that it be a material consideration which should be weighed in the determination of retrospective planning applications and appeals, has now been transposed to the new Framework. The advice is now that when assessing IUD it should be given substantial weight in considering whether to grant planning permission.
42. When questioned at the Hearing the appellant did not properly explain why no planning application was submitted before occupation, or prior to the Council taking formal enforcement action

Planning Balance

43. First, I must give substantial weight to the recognised current unmet need for land to be used by gypsies and travellers, but I must balance this up with the acceptability of the development and its effects. As mentioned, it is obvious that this particular location is not sustainable, but the Framework does suggest applying some relaxation on the elements of sustainability for gypsy and traveller settlements. That said, the personal circumstances of the occupiers and their dependents must be factored in here.
44. Little is known – or at least was put across - regarding the appellant's family's specific needs or, for instance, his children's future schooling. As mentioned, the needs and interests of the children are a primary consideration, both in terms of education and health care. This cannot be satisfied with a roadside existence, and a settled base, at least in the short term, is obviously important to their well-being. However, no corroborative evidence was provided as to relevant circumstances nor any alternative sites that might have been considered prior to the appellant taking occupation of the land in March this year. The Facebook posts have not been properly explained and this draws doubt on the extended family's needs.
45. Alongside this, I must consider the use's adverse impacts on local character and its visual effects on the landscape, compounded by the effects on the living conditions of local occupiers, as described. Although I acknowledge that the Council's forthcoming policy as to gypsy and traveller provision in the emerging LPR has been accepted in principle by the EIP Inspector, largely by way of the expansion and intensification of two existing sites, from the evidence provided to the appeal Hearing there remains a current shortage.
46. However, this shortage must be balanced against the considered acceptability of the appeal site when taking in all factors involved, and I consider that Framework policy S5, which indicates that these should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, is particularly relevant here. I find that this appeal is a case in point. Here, I have had regard to the various representations made by local interested parties, and I have borne in mind the oral evidence given by persons at the Hearing
47. Given this I do not consider that a temporary planning permission would be appropriate, but I have taken into account the request that the compliance period stated in the enforcement notice should be reasonably extended, which I deal with below.

Conclusion on the DPA

48. For the reasons given above, and having had regard to all matters raised, I conclude that the development is contrary to the aims and requirements of the Framework and the LP as a whole, specifically policy HO9 thereto. Accordingly, the appeal is dismissed.

The appeal on ground (g)

49. An appeal made under ground (g) relates to the appellant's belief that the compliance period stipulated in the enforcement notice – in this instance three months – is unreasonably short in the circumstances.
50. Given that we are approaching the winter months, and that vacating the land will likely involve a degree of upheaval, I shall extend this period to six months. This will hopefully suffice. Under s173A(b) of the 1990 Act the Council, though, does retain the power to extend the compliance period if it sees fit. However, this must remain a matter between the Council and the appellant.
51. The appeal succeeds to this extent.

Overall Conclusion

52. I conclude that the appeal should not succeed. I shall uphold the enforcement notice, but with a variation and refuse to grant planning permission on the deemed application.

T C King

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Simon McKay – Appellant's Agent
Luke McDonald - Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Darrell Smith (Planning enforcement officer)
Andrew Gittins (Area Development Manager)
Libby Harper (Senior Planner)
Michael Bullock (ARC4 Managing Partner (GTAA consultant for Shropshire Council)
William Fish (Planning Policy Manager)
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INTERESTED PARTIES:

Brian Graham (Rodington Parish Council)
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