Planning Inspectorate

Appeal Decisions

Site visit made on 14 October 2026

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 2nd November 2026

Appeal A Ref: APP/W1525/C/24/3351048
Meadow Lane, Runwell, Wickford, Essex, SS11 7DX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Tom Harbour against an enforcement notice issued by Chelmsford City Council.
- The notice was issued on 31 July 2024.
- The breach of planning control as alleged in the notice is without planning permission, the material change of use of land for the purposes of siting caravans for residential use, together with facilitative operational development including the formation of hard surfaces and the erection of fencing.
- The requirements of the notice are: i) Cease use of the land outlined in red on the attached plan for the siting of caravans for residential purposes. ii) Remove from the land outlined in red on the attached plan all caravans/mobile homes. iii) Break up and/or otherwise scrape clear all hard surfaces from the land outlined in red on the attached plan. iv) Demolish all fencing on the land outlined in red on the attached plan. v) Disconnect all services installed on the land outlined in red on the attached plan (i.e. water, drainage, electricity) and remove all associated infrastructure. vi) Remove from the land outlined in red on the attached plan all material and debris resulting from the actions taken at steps (i) to (v). vii) Restore the land affected by the works carried out at steps (i) to (vi) to its pre-development condition.
- The periods for compliance with the requirements are: (i) 6 weeks; (ii) – (vii) 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (c) 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.
- Similar appeals have been made by 11 other individuals and the appeal references can be found in the table at the end of the decision.

Decisions for all Appeals

1. 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.

Applications for costs

2. An application for a full award of costs has been made by the Council and is subject to a separate decision letter.

Preliminary Matters

3. Neither the appellant nor agent turned up for the site visit. However, I went to the site, which is accessed along a lane through the existing gypsy site with the Council representatives. While waiting I could see the appeal site, or as much of it as was necessary, and so am able to proceed to a decision. What I could see, from the entrance was that the site had been gravelled and divided up into four unequal rectangles by fencing. A couple of static caravans and a tourer occupied part of one section and 7 statics were grouped together in another. Otherwise it seemed empty.

The Appeal on Ground (c)

4. The appeal site forms part of a larger area which was granted planning permission for a gypsy and traveller site in 2006[1]. The area of the appeal site was delineated on the plan as an open field to be used for grazing. That planning permission was worded "*Use of land as a gypsy caravan site creating a maximum of 18 additional pitches…….*". The occupation by gypsies and the maximum number of pitches were secured by conditions.

5. It is clear therefore that the planning permission relates only to a use of the land as a gypsy site, not a general caravan site. I agree that the land now occupied by the appeal site would seem to have been included within the red line of the 2006 planning permission, and so the extension of gypsy and traveller pitches onto that land would be a breach of condition rather than a material change of use. However, the Council argue that the caravans are not for gypsies and travellers but for ordinary market rental and so there is a material change of use.

6. Firstly, I agree that the impacts of caravans occupied by gypsies is quite different from those of the general public. A gypsy pitch would usually comprise a static and a touring caravan, plus space for a dayroom, parking of several vehicles and often space for children to play and so on. They are designed for use by a family, and that family often (though not always) spends some time travelling, if only to various horse fairs around the country. It is also usual for several neighbouring pitches (if not the whole site) to be occupied by wider members of the same family, often with inter-dependent childcare or healthcare needs, offering mutual support to each other. A general site, especially one such as this appears to be, would generally be occupied by single men, working in the locality, with entirely different travel patterns to gypsies and with the need for less space, hence many more statics can be fitted in. The two are materially different, which is why there are quite different policy requirements and restraints for the two.

7. Consequently, if the appeal site is not a gypsy site, then the description of development in the enforcement notice is correct. The appellant says the occupants are gypsies, but there is very little evidence for that. The appellant lists 5 people and says they are gypsies with families. However, there is no evidence to support this, no information on the make-up of the families, how many children, their educational status or anything. There are 12 separate appeals that have been run together for this decision so there is no information at all as to who the other 7 families are as they are mostly made under the appellant's name. Other than Tom Harbour, there are two names on appeals B and C, Patrick Stokes and Jason Boutwell. Neither of them are the people mentioned by the appellant (although there are several Stokes, who are possibly related). So none of this is convincing and some is contradictory.

8. The Council on the other hand have provided detailed evidence from several site visits made over the last few years. It would seem from their visits that the various occupiers, who have changed over time, have not been gypsies, but mostly foreign workers. In December 2024 a single gypsy family did occupy a static, but the only other gypsies noticed by the Council were a group of Irish travellers who used the land as a temporary site while visiting relations and were gone in a few weeks. The Council also point out that the owner of the land, who it would appear is

[1] 00/00870/CBC3

Patrick Stokes (one of the named appellants), has a history of cramming statics onto the gypsy pitches and renting them out to non-gypsies. I have no dates for when the gypsies mentioned by the appellant occupied any of the caravans, which caravans or whether they are still there, but it seems clear that at the time the notice was issued this was a general caravan site, which represents a material change of use from a gypsy and traveller site and so requires planning permission.

9. There is a subsidiary issue that the appellant claims the ground is covered by gravel, which is not a hardstanding. This is wrong. Hardstanding can cover any form of material that serves to provide a hard surface on which to carry out further development which would not be possible on grassland. It is widely recognised and entirely uncontroversial that a gravelled surface is a hardstanding. The appeal on ground (c) fails.

The Appeal on Ground (a)

10. Given my finding above and the complete lack of evidence for any gypsy occupation I am treating the appeal as for a material change of use to a market rental caravan site. The site lies within the green belt and is surrounded by open fields, except to the west where houses with long gardens are separated from the wider gypsy site by a narrow strip of land. The appeal site lies between the main bulk of the gypsy site and this strip of land, which is presumably why it was decided to keep it as grazing land originally.

11. The Council argue that they have a 5 year housing supply identified and there is no identified shortfall of market rent caravans, therefore the site remains green belt as it does not fulfil any of the conditions to be grey belt. This is unchallenged by the appellant, who relies on arguments relating to gypsy and traveller policy which are not relevant. The appellant does say the site is previously developed land, as it lies within the curtilage of the gypsy site. I do not think the lawful gypsy site as a whole has a curtilage. Each separate pitch could be said to have its curtilage, but the grazing land is simply that, an open field. Even if it was curtilage, then the NPPF says, under the definition of previously developed land: "*although it should not be assumed the whole curtilage should be developed*". Given the status of the land as open grazing then it would fall within this exception. However, I do not believe it is curtilage and so is not previously developed land.

12. Given that, there are no very special circumstances that have been put forward that would outweigh the harm to the green belt by way of inappropriate development. In addition there is some minor harm to the open countryside inevitably caused by converting an open field to a caravan site with has fences and static caravans, and this does bring development closer to the residential uses along South Hanningfield Way, eroding the countryside break between the houses and the gypsy site. It is also intentional unauthorised development. The appellant says it was just jumping the gun while waiting to put forward a proper application, but none, as far as I am aware, has come forward and a Temporary Stop Notice has been ignored.

13. There is a complete lack of evidence put forward to justify a market rent caravan site, so given the harm identified above I have no option other than to dismiss the appeal and refuse to grant planning permission. I have considered the changes introduced by the latest version of the NPPF (August 2026), but none of them affect my reasoning above.

Simon Hand

INSPECTOR

Appendix 1
List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/W1525/C/24/3351048	Mr Tom Harbour
Appeal B	APP/W1525/C/24/3351049	Mr Patrick Stokes (Mr Tom Harbour)
Appeal C	APP/W1525/C/24/3351050	Mr Jason Boutwell (Mr Tom Harbour)
Appeal D	APP/W1525/C/24/3351051	owner / occupier caravan 1 (Mr Tom Harbour)
Appeal E	APP/W1525/C/24/3351052	owner / occupier caravan 2 (Mr Tom Harbour)
Appeal F	APP/W1525/C/24/3351053	owner / occupier caravan 3 (Mr Tom Harbour)
Appeal G	APP/W1525/C/24/3351054	owner / occupier caravan 4 (Mr Tom Harbour)
Appeal H	APP/W1525/C/24/3351055	owner / occupier caravan 5 (Mr Tom Harbour)
Appeal I	APP/W1525/C/24/3351056	owner / occupier caravan 6 (Mr Tom Harbour)
Appeal J	APP/W1525/C/24/3351057	owner / occupier caravan 7 (Mr Tom Harbour)
Appeal K	APP/W1525/C/24/3351058	owner / occupier caravan 8 (Mr Tom Harbour)
Appeal L	APP/W1525/C/24/3351059	owner / occupier caravan 9 (Mr Tom Harbour)