Planning Inspectorate

Appeal Decision

Hearing held on 15 September 2026

Site visit made on 15 September 2026

by Zoë Franks, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 05 November 2026

Appeal A Ref: APP/K3415/C/26/3378636
Appeal B Ref: APP/K3415/C/26/3378639
Land Lying to the west of 78 Woodhouses Road, Burntwood, WS7 9EH

- Appeal A is made by David Price and Appeal B is made by Kevin Clee respectively under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeals are made against an enforcement notice issued by Lichfield District Council.
- The notice was issued on 22 May 2026.
- The breaches of planning control as alleged in the notice are without planning permission:
- a. The material change of use of the Land to a mixed use to include the use of the land as a residential gypsy/traveller site to include the stationing of caravans shown in the approximate location outlined in orange on the attached Plan.
- b. The carrying out of building and other operations to facilitate the unauthorised material change of use to include:
- i. The creation of a hard surfaced area ("the Hard Surfaced Area") shown in the approximate location outlined in blue on the attached Plan using materials imported onto the Land.
- ii. The installation of a septic/sewage tank, shown in the approximate location outlined in green on the attached Plan including associated pipework/operations and drainage infrastructure.
- The requirements of the notice are a) Cease the use of the Land for the purposes of a gypsy/traveller site. b) permanently remove all caravans stationed on the Land including any water or electricity hook-ups any other demountable structures. c) Break up the Hard Surfaced Area and permanently remove form the Land all materials forming the unauthorised Hard Surfaced Area, including but not limited to concrete; hardcore; crushed stone; and any other imported surfacing materials. d) Cease the importation of any further material on the Land and other operations to facilitate the unauthorised material change of use; e) Remove form the Land the unauthorised septic/sewage tank and all associated pipework and drainage infrastructure. f) Remove from the Land all residential paraphernalia associated with the unauthorised change of use. g) Restore the Land to its condition prior to the unauthorised development by reseeding the area with grass seed. h) Dispose of any waste generated from the compliance of steps a) to g) above from the Land.
- The periods for compliance with the requirements is 5 months.
- The appeals is proceeding on the grounds set out in section 174(2) (c), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since Appeal A has also been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decision

1. It is directed that the enforcement notice is varied by the deletion of 5 months and its substitution with 12 months as the period for compliance.

2. Subject to the variation 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.

Ground (c)

3. This ground of appeal is that the matters stated in the notice do not constitute a breach of planning control. The appellants state that there was already hardstanding on the appeal site and it does not therefore form part of the breach as alleged in the notice.

4. The appellants did not provide first-hand evidence from anyone who knew the site regarding the extent of the hardstanding prior to the alleged breach, and the parties therefore accepted that the matter would be determined on the photographs.

5. It is evident that there was previously some hardstanding on the site, however none of the photographs dated before April 2026 clearly show hardstanding on the area outlined in blue as the relevant area on the notice plan. Drone photographs provided by an interested party, which are accepted to have been taken over Easter weekend 2026, show substantial groundworks to create the current access road and area of hardstanding on which the caravans are standing taking place. These accord with the aerial photographs which show an obvious and material change from March 2025, when much of the relevant part of the site is coloured green in the images, when compared to an image from April 2026 when it is evenly coloured brown.

6. The appellant has therefore not proven their case regarding the hardstanding on the balance of probabilities and the ground (c) appeal does not succeed.

Ground (a) and the deemed planning application

7. The deemed planning application is for the material change of use to a mixed use to include the use of the land as a residential gypsy/traveller site and the operational development to facilitate this material change of use. There were three static caravans on the site when the notice was issued, and the appellants seek permission for three pitches. The number of pitches, caravans and site layout could be secured by the imposition of conditions if permission were granted.

8. The main issues are:

- Green Belt
- The effect of the development on the Cannock Chase SAC
- Biodiversity
- Highway issues
- Whether the development was intentional unauthorised development
- Gypsy and Traveller Policy
- Personal Circumstances of occupants
- Best interests of the children and Human Rights

Whether the proposal would be inappropriate development in the Green Belt

9. The site is west of Woodhouse Road within the West Midlands Green Belt next to the hamlet of Woodhouses.

10. The Framework, which is a material consideration of critical importance, advises that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Policy NR2 of the Lichfield District Local Plan Strategy 2015 ("the LDLPS") which forms part of the development plan for the area is consistent with the Green Belt policies in the Framework.

11. The parties accept that the appeal land falls within the definition of grey belt in the glossary to the 2026 Framework and I see no reason to differ with this assessment.

12. Policy GB7 of the Framework sets out the categories of development which are not inappropriate in the Green Belt. This includes paragraph (g): *"development which would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan"*. The Council accepts that this description applies here due to the size of the appeal site and nature of the development. It is also accepted that there is an evidenced unmet need for gypsy and traveller sites as the required 5-year supply cannot be met.

13. However, to fall within the GB7(g) category of development it would need to be in a sustainable location, and, in this case, particular reference should be made to policy HO12 of the Framework which relates to development proposals for traveller sites. The appeal site undoubtably provides a settled base, and HO12 recognises that locations not well-located to existing settlements may be appropriate for traveller sites, but there is no information before me to indicate that any of the intended occupants will live and work from the site thereby omitting any travel to work journeys which will contribute to sustainability in this case.

14. The appellants and their dependents meet the definition of Gypsies and Travellers in the Framework. However, contradictory information has been submitted by the appellants regarding the identities of the intended occupants of the site. The written statement submitted on 10 September 2026, five days before the hearing, set out that the intended occupants would be: a) two of Mr Clee's sons and one of their partners in one caravan, b) Mr Price with his wife and 4 of their children in a second caravan; and c) Mr Price's parents in the third caravan. This differs from the information provided by the appellants verbally during the hearing when the appellants stated that: a) Mr Clee would be living on the site along with his wife, 6 sons and a Romanian employee; b) Mr and Mrs Price would have a caravan with their 5 children; and c) Mr Price's parents would also stay on the site. This makes it difficult to understand the personal circumstances of the intended occupants, and whether they access frequently used services as set out in Policy HO12. The appeal site is large but the deemed planning application is only for three pitches as currently present on the land.

15. One of the appellants said that a member of the family had struggled to live in bricks and mortar and that they did not cope well as a family in their previous house and could not return there as a result. In addition, there was a shortage of accommodation at the property as their sons had grown up and were getting

married. However, it is not evident from the conflicting information before me as to who would be occupying the three pitches sought. In addition, it is also unclear whether and if some of the people discussed would be able to remain in the houses, or on another caravan site in the case of Mr Price's parents. This information is required to properly assess the personal circumstances of the intended occupants. Indeed, it was not stated that the other houses and caravan site would no longer be available, or that all of the intended occupants had nowhere else to go which is relevant when considering the right to a private life and home. The provision of a settled base is generally in the best interests of children living on the site but it is unclear in this case as to which children would be living on the site, and all of their ages and needs and how this would affect their ability to access services including schools. The registration with schools and GP surgeries appears to have pre-existed prior to the occupation of the appeal site.

16. When the personal circumstances are a material consideration in the grant of permission, a condition is imposed to name the individuals who can occupy the site. The appellants provided a list of names during the hearing but it is far from clear that they all have a need or other personal circumstances which could justify the grant of a personal permission, or that they can only access the existing schools and healthcare services from this site.

17. Notwithstanding that there is an evidenced unmet need for gypsy and traveller accommodation, it is not possible to conclude whether the factors set out in policy HO12, namely to provide a settled base which can contribute to sustainability, and to enable access to frequently-used services apply in relation to this site taking into account the intended occupants. It is therefore not possible to conclude that the development would be a sustainable location as required by Policy GB7 (g) and it does not fall within this defined category of development.

18. The site is not located within a village, and it has not been shown it was all previously developed land. The structures associated with the previous use were only at the front of the site, not the area on which the caravans are now located, and any use other than for agriculture has not been shown to have been lawful on balance. No other categories in Policy GB7 apply in this case.

19. The development is therefore inappropriate development in the Green Belt in the terms set out in the Framework, and Policy S5 of the Framework does not apply.

20. The development harms the openness of the Green Belt by introducing the caravans, hardstanding and other operational development onto the site. The additional comings and goings, and actual use of the site with associated domestic paraphernalia, noise and activity also impacts on openness by introducing an urbanising element to the character of the site which adversely affects the surrounding area.

The effect of the proposal on non-Green Belt matters

Cannock Chase Special Area of Conservation ("SAC")

21. A planning obligation to secure the Cannock Chase SAC Contribution has been provided by the appellants to avoid and mitigate any impact which the development might otherwise have upon the integrity of the SAC. This is therefore no longer a reason to refuse the development.

22. The contribution makes the development compliant with the LDLP and the Framework.

Biodversity

23. The parties agree that the requirements in policy NR3 relating to the Biodiversity, Protected Species and their Habitats can be secured by the imposition of a condition to secure a scheme of biodiversity enhancement measures, and there is nothing before me to suggest otherwise.

Highway issues

24. The Highways Authority do not argue that the development causes a severe adverse impact on the transport network or highway safety, or that the development conflicts with policy TR6 of the Framework. However, residents and the Council have raised concerns about the increased traffic and size of vehicles using Woodhouse Road, which is a country lane and narrow in places, to access the site.

25. It is incontrovertible that the current use of the appeal site creates more vehicular comings and goings when compared to the previous uses of the site. Three households living on the proposed three pitches will necessitate multiple journeys, to shops and other local facilities, and for work purposes. Whilst this would not necessarily involve larger vehicles, it will lead to more vehicles on the site and therefore increased movements along the road. There is no conclusive evidence before me to show that the speed of the traffic has increased, and indeed the narrowness and layout including the sharp bend next to the site probably naturally cause drivers to reduce speeds and proceed carefully.

26. Core Policy 5 of the LDLP relates to sustainable transport and seeks to ensure that accessibility will be improved and transport choice widened by ensuring that all new development is well served by an attractive choice of transport modes, including public transport, footpaths and cycle routes to provide alternatives to the use of the private car and promote healthier lifestyles. The site is adjacent to a footpath which links with other public right of ways which go to St Matthew's Road, Farewell Lane and Lichfield Road, the latter two on which are located bus stops. There are also various facilities within Burntwood. These rights of way were fairly overgrown at the time of the site visit, and would be unlit and probably unwelcoming during dark nights and bad weather in the winter months.

27. However, it is accepted in the Framework that gypsy and traveller sites can be located outside of traditional settlements. Whilst there may be some conflict with Core Policy 5 this is not the only consideration relating to sustainable transport that should be considered in this type of case, and the site is not unacceptable in terms of accessibility for use as a gypsy and traveller site.

Whether the development was intentional unauthorised development

28. The appellants accept that the unauthorised development was intentional, but say that this was because of the lack of any other sites in the district, and that a planning application was submitted at the same time as the works were undertaken to regularise the position.

29. Nevertheless, as the unauthorised development was intentional Policy DM8 of the Framework advises that fact should be given substantial weight in considering whether to grant planning permission. Other considerations, including lack of supply and personal circumstances, may be weighed against this harm in the overall balance.

Other considerations

30. A gas pipe runs underneath part of the site, and concerns have been raised regarding the safety of having development near to it. However, the Health and Safety Executive ("the HSE") do not advise against the current layout which includes two dwelling units in the inner consultation zone, and Cadent, the pipeline operator, have submitted in writing that the planned works may proceed with caution. I understand that the concerns regarding the pipeline are genuinely held but there is nothing before me to suggest that the development would be unsuitable in this regard, and the HSE and Cadent, as the relevant authority and operator in this matter, have not raised concerns regarding the proposed level of development on the specified part of the appeal site (i.e. the part being used currently).

31. There have been complaints regarding noise nuisance and anti-social behaviour caused by occupants of the site. It is unclear as to whether these issues have been resolved or have been ongoing. Such matters can be taken into consideration in making a planning determination but there is limited information before me regarding their extent, and there are other effective statutory powers to deal with such matters if they do arise.

32. One of the appellants keeps a stallion on part of the site which needs to be properly looked after in order that it does not escape but this factor alone does not justify a residential use of the site particularly as the horse was previously kept elsewhere.

Whether other considerations clearly outweigh the harm to the Green Belt and any other harm so as to amount to very special circumstances.

33. As the development is inappropriate in the terms set out in the Green Belt policies in the Framework, it is harmful to the Green Belt and should not be approved except in very special circumstances. I give substantial weight to the harm to the Green Belt including harm to its openness as set out above, and also to the intentional nature of the unauthorised development.

34. The lack of supply of sites in the district and need to care for the stallion are given weight, but do not clearly outweigh the harm to the Green Belt by reason of inappropriateness. Other considerations in this case, namely the personal circumstances of some of the occupants and the best interests of the children and human rights considerations (including the right to a family life and home) are afforded positive weight but in my judgement do not clearly outweigh the harm identified. It is not possible to assess these considerations properly without knowing who the actual occupants will be, or indeed to secure a personal use through the imposition of a condition.

35. For the reasons set out above, the other considerations in this case do not clearly outweigh the harm identified. Consequently, the very special circumstances necessary to justify the development do not exist.

36. The development is contrary to Policy NR2 and the LDLPS overall, and as there are no material considerations which indicate otherwise, the deemed planning application is refused and the ground (a) appeal fails.

Ground (f)

37. This ground is whether the steps required by the notice to be taken exceed what is necessary to remedy the breach of planning control.

38. The appellants argue that the pre-existing hardstanding can remain on the site, and that the site could be used for the storage of caravans used in association with an agricultural use. However, the notice targets the creation of a hard surfaced area as identified in an approximate area outlined in blue on the notice plan, and I have found under ground (c) that this operational development took place in 2026. It therefore facilitated the material change of use and as such can be required to be removed by the notice.

39. The material change of use alleged in the notice is a residential use of the caravans and as such, the notice cannot be corrected or varied to permit the use of the caravans for other purposes as it would not form part of the matters alleged in the notice.

40. The requirements do no more than restore the land to its prior condition and as such do not exceed what is necessary to remedy the breach of planning control. The appeal under ground (f) does not succeed.

Ground (g)

41. The appellants seek an extension of the compliance period to 12 months as there are no other gypsy sites available in the area.

42. From the information regarding the occupants provided at the hearing it is evident that there are a lot of people living on the site, including children, and that not all of them have somewhere else that they could go (although the details regarding this was not fully clear).

43. The lack of other pitches in the district, need for the grown-up children to form their own households, and age and circumstances of some of the occupants mean that it is proportionate to extend the compliance period to 12 months to allow the various needs to be addressed in arranging alternative accommodation whilst hopefully enabling the continuation of the access of services including relating to education and healthcare.

44. The appeal on ground (g) therefore succeeds.

Zoë Franks

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Stuart Carruthers

Kevin Clee

David Price

FOR THE LOCAL PLANNING AUTHORITY:

Phillip Robson, Barrister

James Fox, Planning and Listed Building Enforcement Manager

Arif Komurcugil, Senior Planning and Listed Building Enforcement Officer

Kerry Challoner, Development Management Manager

Tom Watts, Senior Planning Officer

Alex Lane, Policy and Strategy Team Leader (Environment)

INTERESTED PARTIES:

Councillor Wai-Lee Ho

Christopher Couzins

Other attendees