Planning Inspectorate

Appeal Decision

Hearing held on 8 September 2026

Site visit made on 8 September 2026

by Thomas Shields DipURP MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2026

Appeal Ref: APP/G2245/C/26/3378555
Land South of Birchfield Wood, Church Road, Sundridge, Kent, TN14 6DQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the Act").
- The appeal is made by Miles Connors against an enforcement notice issued by Sevenoaks District Council.
- The notice was issued on 17 April 2026.
- The breach of planning control as alleged in the notice is without planning permission, the material change of use of the land from a 'nil use' or grazing/agricultural purposes to residential use including the siting of a mobile home and touring caravan ("the Material Change of Use") and associated operational development in the form of the laying of hardstanding ("the Operational Development")..
- The requirements of the notice are:
  1. Cease the residential use of the land
  2. Remove all mobile homes and touring caravans placed from the land
  3. Remove all paraphernalia associated with the residential use including but not limited to vehicles and trailers
  4. Remove the hardstanding (located within the red line as shown on the attached plan)
  5. Return the land to its condition prior to the breach took place by reseeding with a wild meadow grass mix.
  6. Remove from the land all building materials and rubble arising from compliance with the above requirements.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (f), (g) of the Act. 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.

Summary of Decision: The appeal is dismissed. The enforcement notice is upheld with corrections and variations as set out below in the Formal Decision.

Preliminary Matters

1. I viewed the appeal site itself and also from the adjacent grounds of the Birchfield residential estate on 8 September 2026 immediately following the Hearing. I also viewed the surrounding area context to the appeal site from nearby roads and from public rights of way on 7 and 9 September 2026.

Appeal on ground (b)

2. An appeal on ground (b) is a claim that the alleged matters (i.e. those matters stated in the notice which may give rise to the breach of planning control) have not occurred as a matter of fact. This is a legal ground of appeal in which the onus of proof falls to the appellant, with the test of the evidence being on the balance of probabilities.

3. The appellant's case on this ground relates to two matters, firstly to the accuracy of the description of the alleged breach of planning control as alleged in the notice,

and secondly, that the alleged breach has not occurred within all of the land outlined in red on the notice plan.

4. With regard to the first matter, there is no need for a notice to describe the former land use prior to the alleged material change of use, hence the reference to the former use being a "nil use or grazing/agricultural purposes", which is somewhat ambiguous in any event, can be deleted. As to the remainder of the breach description there is no dispute that two caravans[1] were brought onto the land for residential purposes, or that hardstanding was laid to facilitate such use. However, it is also argued that the use should refer to a mixed use to include the keeping of horses.

5. Although two miniature horses are kept on site together with a small stable, it is clear from the evidence before me that at the date the notice was issued no horses were present on the land. Consequently, with regard to s174(2)(b) of the Act any mixed use of the land had "not occurred" when the notice was issued, and hence it would have been incorrect for the notice to allege such use. As such, the appeal on ground (b) fails with regard to this matter.

6. Accordingly, I will correct and vary the alleged breach of planning control (with corresponding wording in the notice requirements) to describe a material change of use of the land to a use for the siting of caravans for residential purposes, as set out later in the Formal Decision.

7. With regard to the second matter, the appellant is the owner of all of the land included within the red line of the notice plan. Towards the southern end of the appeal site, where it adjoins the communal grounds of the Birchfield residential estate, temporary black plastic sheeting (a privacy screen) has been put up which is inset from, and roughly parallel to, the red line on the notice plan. The screen is also along the line of an existing low level rustic post and two-rail timber fence.

8. Whether the alleged use has occurred on this very narrow strip of land between the plastic screen and the red line of the plan is fact sensitive. The screening is of a temporary nature, and in the context of the whole parcel of land within the appellant's ownership and occupation the size of the strip is insignificant. Also, having regard to long-established caselaw[2], the physical separation lacks any real character of permanence. As such, neither the screen nor the two-rail fence functionally divides the appellant's unit of occupation into two separate units or uses within the red line of the notice plan. I accept that no physical works have been undertaken by the appellant beyond the screen, but nonetheless the strip taken in its wider context simply forms part of a retained landscape buffer, with that being its function as an integral part of the development (the material change of use) that has occurred within the appeal site (the unit of occupation) taken as a whole. I therefore conclude that the material change of use occurred within all of the red line of the notice plan and the appeal on ground (b) fails with regard to this matter.

9. I note that laurel hedging has been planted on behalf of Birchfield estate residents which may or may not fall within the appellant's ownership of the strip of land. However, it is not for me to adjudicate on any trespass or boundary dispute. This

[1] 1 x static type, 1 x touring type
[2] *Burdle & Williams v SSE & New Forest DC* [1972] 1 WLR 1207

matter does not alter my conclusion on ground (b) with regard to the red line of the notice plan.

Appeal on ground (a)/deemed application for planning permission

Main Issues

10. The main issues are:

    (a) whether the development is inappropriate development in the Green Belt;

    (b) the effect on the character and appearance of the area, with particular regard to its location in the Kent Downs National Landscape;

    (c) the effects on ecology;

    (d) if the development is inappropriate, whether the harm to the Green Belt by way of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the development is inappropriate development in the Green Belt

11. The essential features of Green Belts are their openness (which means being free of development) and their permanence. Policy GB2 of the Framework[3] sets out the five purposes of the Green Belt, which are to:

    a. Check the unrestricted sprawl of large built-up areas;

    b. Prevent neighbouring towns merging into one another;

    c. Assist in safeguarding the countryside from encroachment;

    d. Preserve the setting and special character of historic towns; and

    e. Assist urban regeneration by encouraging the recycling of derelict and other urban land.

12. Policy GB6 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

13. As set out in the Framework all development in the Green Belt is inappropriate unless it falls within one of the listed exceptions in policy GB7. Once such exception for non-major development is policy GB7-1g provided that all of the following criteria are met:

    (i) The development 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;

    (ii) There is an evidenced unmet need for the type of development proposed;

[3] National Planning Policy Framework (August 2026)

(iii) The development would be in a sustainable location, with particular reference to policy TR3 of this Framework (however the footnote to (iii) states that in respect of development proposals involving the provision of traveller sites, particular reference should instead be made to Framework policy HO12).

14. With regard to (i) above, the Framework defines grey belt land as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b) or (d) in Policy GB2. The Council and the appellant agree that the appeal site constitutes grey belt land and that the development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the Council's development Plan. Having regard to my own observations of the site and the wider area I concur with their assessments. As such, criterion (i) of policy GB7-1g is met.

15. There is no dispute that the Council cannot currently demonstrate a five year supply of deliverable traveller sites. Hence criterion (ii) of policy GB7-1g is also met.

16. While I acknowledge the Council's argument that Framework policy TR3 has relevance to developments in a more general sense, in terms of locating development in sustainable locations and with regard to climate change, the specific 'test' in GB7-1g(iii) for the purposes of deciding whether a traveller site is inappropriate in the Green Belt is against Framework policy HO12.

17. Policy HO12 sets out where traveller sites should be located. In particular, locations should provide a settled base while recognising the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability and may also mean that locations not well-related to existing settlements may be appropriate.

18. Policy HO12 also relates to assessing the sustainable location of sites having regard to meeting the lifestyle needs of travellers. Although there can *also* be individual circumstances and/or patterns of how any named occupiers might travel, the assessment to be made in terms of geographical location of sites for travellers is not *dependent* on personal/individual circumstances of named occupiers. Indeed potential future occupiers of sites may be unknown in respect of site allocations and/or planning applications.

19. Additionally, policy HO12 states that locations should enable access to frequently used services, such as education, welfare and health services, including ensuring that children can attend school on a regular basis. Some services, including a medical centre, primary school, and convenience shopping are available in the village of Sundridge, a short distance from the appeal site via Church Road. Public transport links from the village give access to more services and facilities further beyond. Taking account of the distance to the village along Church Road, with no footpaths, and a national 60mph speed limit for much of the way, I consider that walking to the village would be an undesirable choice and hence highly unlikely. Although cycling would be possible, in my view most trips throughout the year would be by private vehicles.

20. Nonetheless, while it may be the case that some sites may score highly in terms of accessibility to services by walking/public transport, it should be noted that policy HO12 encompasses site locations that may not be well-related to existing settlements, and there is no requirement in policy HO12 that access to such services must be capable of being made on foot or by public transport. Moreover,

the appeal before me is for a single pitch for one family and hence unlikely to result in any significant impact on sustainability from trip generation in terms of accessing services and facilities.

21. Overall, I consider the site is reasonably well-located in terms of providing access to frequently used services and facilities. As such, I find that the location of the site accords with policy HO12. It therefore also meets criterion (iii) of policy GB7-1g.

22. Since the appeal development satisfies all the relevant criteria of policy GB7-1g it is not inappropriate development in the Green Belt and should not be regarded as harmful to its openness.

Character and appearance of the area - Kent Downs National Landscape

23. The appeal site lies within the Kent Downs National Landscape (KDNL). In this regard I have a duty[4] to seek to further the purpose of conserving and enhancing the natural beauty of the KDNL. This does not mean that proposals which fail to conserve or enhance the beauty of the KDNL must always be refused permission, since this consideration is one that must be weighed in the balance with all other considerations.

24. Framework policy N4 states that development proposals within Protected Landscapes[5] 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. Substantial weight should be placed on the importance of conserving and enhancing the natural beauty of these areas.

25. Policy LO8 of the Sevenoaks Core Strategy (CS) is broadly consistent with the statutory duty and Framework policy N4. It states that the countryside will be conserved and the distinctive features that contribute to the special character of its landscape and its biodiversity will be protected and enhanced where possible. The distinctive character of the Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings, will be conserved and enhanced.

26. The appeal site lies within the Sevenoaks Greensand Ridge Local Character Area identified in the Landscape Character Assessment of the Kent Downs AONB (updated 2020). Within that area if also sits within the Westerham to Sunridge Parks and Farmlands (9a) area of the Sevenoaks Landscape Character Area Assessment (2017).

27. Key characteristics of the area include: northern undulating slopes of the Greensand Ridge supporting small to medium scale fields; extensive woodland cover (deciduous and mixed) as well as wood pasture, common, parkland, hedgerows and in-field trees create a well-wooded landscape; dominant land uses of woodland and pasture, with areas of parkland, grassland, common and orchard; an intricate pattern of irregular-shaped hedged fields has been carved out from surrounding woodland; small to medium scale enclosed agricultural landscape with strong hedgerows and scattered dense woodland; rural, low density settlement pattern of scattered farms and hamlets.

28. Prior to development of the appeal site the field was enclosed with strong hedgerow along the road side and with mature trees both within the site and around

[4] Section 85 of the Countryside and Rights of Way Act 2000 as amended by the Levelling Up and Regeneration Act 2023
[5] Protect Landscapes include designated National Landscapes (formerly known as Areas of Outstanding Natural Beauty)

its edges. Having regard to the aerial images submitted in evidence and from my own observations of the appeal site and the surrounding area, it is clear to me that the appeal site strongly reflects and contributes to the overall character of the area as described and detailed in the landscape character assessments I referred to previously.

29. Key landscape management recommendations include: protection of the undeveloped, tranquil and historic rural character of the area; promotion of new hedgerow/roadside trees from existing hedge stock; conservation of the well wooded character of the landscape; maintaining the historic field pattern; and ensuring that any new development is well integrated into the landscape.

30. In terms of impacts, I acknowledge there is some existing development in the form of a few isolated residential dwellings outside of the appeal site. However, I saw that the appeal site is the only development within a wider area of pasture and woodland contained by Church Road to the east, New Road to the west, the landscape grounds of the Birchfield estate to the south, and the edge of development within Sundridge village to the north. This is a significant area of otherwise undisturbed natural semi-wooded landscape. In this context, while I acknowledge there is limited visibility of the appeal site, it nonetheless has a significantly harmful effect on the natural character and appearance of the area, and upon the special qualities of the KDNL, by way of introduction of caravans, vehicles, and other items associated with residential use of the land, and creation of a significant area of hardstanding. For the appellant it is argued that the harm is of a moderate[6] level within a scale. However, using the same scale I consider the harm to be substantial.

31. I have been provided with an alternative illustrative site layout plan in support of the appellant's case that harm could be mitigated to an acceptable level. This, it is argued, would be achieved by the inversion of the current layout with hardstanding and siting of the mobile home and other items relocated to the southern end of the site, and with the northern part of the site forming a paddock. In my view this would not be any significantly less harmful to the character and appearance of the area and to the natural beauty of the KDNL than I have previously described.

32. Planning conditions could secure native species planting, including to site boundaries to replace the temporary black plastic screening, and to secure control of lighting, and to secure connection to mains electricity to replace the diesel generator. I accept these would reduce the harm I have described, but only to a quite limited extent. Substantial harm would still remain to the character and appearance of the area and to the natural beauty of the KDNL.

33. To conclude, the development results in substantial harm to the character and appearance of the area and fails to conserve or enhance the natural beauty of the KDNL in conflict with CS Policy L08, Policy EN54 of the Sevenoaks Allocations and Development Management Plan, and the provisions of Framework policy N4.

Ecology/biodiversity

34. The appeal development is exempt from the statutory requirements for biodiversity net gains (BNG). Framework policy N2.3 also sets out that no weight should be given to development plan policies which require BNG which go beyond the

[6] Appellant Statement of Case, para.7

statutory framework, including where a policy requires gains for development proposals which are exempt.

35. It is argued for the appellant that the illustrative alternative site layout plan would enable BNG to be achieved. Given there is no requirement for BNG, as I have set out above, such BNG would be an additional benefit towards support of allowing the appeal. However, the removal of all the hardcore from the northern half of the site to the southern end would require significantly greater disturbance to the land over and above that which has already occurred. Moreover, there is no convincing detailed evidence before me to show that any significant level of BNG, as a net benefit of the development, would be attainable indicated by the illustrative layout.

36. It seems likely inevitable to me that development of the site will have had some degree of impact on the ecological value of the land, by way of soil disturbance resulting from tipping and laying of hardcore for hardstanding over a sizeable area of the land, removal of vegetation, including the felling of at least one tree, (damaged or dying/dead trees also retain ecological value given they provide habitats and/or foraging for particular species) and from human presence and typical residential activity on site. However, no ecological survey of the land prior to or since the development was carried out is before me. Hence there is no 'baseline' or post-development survey of ecological value to enable me to make an assessment of the extent of any impacts and/or required mitigation.

37. Notwithstanding the above, an ecological appraisal[7] in respect of land immediately adjoining the appeal site (but not the appeal site itself) recorded no evidence of the presence of bats, dormice, newts, hedgehogs, reptiles or other notable species, but did identify that the woodland, hedgerows and scattered trees on that land provide suitable potential habitat for bats, breeding birds, and other species. In this respect, given the close proximity and similar habitat type of the adjoining land, the Council and the appellant agreed at the Hearing that the appeal site would reasonably likely have possessed comparable ecological value prior to the appeal development taking place, this also being referred to in submissions on behalf of local residents[8].

38. Given these circumstances I consider it is reasonable to treat the Arborweald PEA as a baseline of likely ecological value for the appeal site. As such, a further survey of the appeal site itself, together with recommendations for any ecological mitigation and enhancement, can be secured by way of a planning condition. Such a condition would be negatively worded to require the residential use of the land to cease and to remove all caravans and hardstanding in the event that there is non-compliance with the condition requirements.

39. Subject to such a condition, I conclude that any harm to the ecological value of the appeal site can be adequately mitigated in accordance with Framework policy N2.2. As such, the development would accord with CS Policy SP11.

Other Matters

40. While I recognise the local and national lack of provision of suitable traveller sites, and the personal circumstances of the appellant's family, there is no dispute that the appellant purchased the land for the sole purpose of developing it as a site for his family to live on (and to keep horses). A considerable period of time elapsed

[7] Preliminary Ecological Appraisal (PEA), Arborweald July 2026, commissioned for Birchfield Management Limited
[8] Sundridge and Ide Hill Residents' Association, Statement of Case, para.9.5

between purchase and commencement of development in which a planning application could have been submitted, and no argument is made that the appellant was unaware of the need for planning permission. As such the evidence before me indicates that the unauthorised development was carried out intentionally. In this regard Framework policy DM8 indicates that intentional unauthorised development (IUD) should be given substantial weight in considering whether to grant planning permission.

41. Other matters have been raised by third parties. With regard to these I have no evidence or any other reason to consider the development results in an adverse impact on highway safety. No objection has been made by the Highway Authority and this did not form one of the Council's reasons for issuing the enforcement notice. Matters relating to site layout, including position of caravans and parking areas, drainage, boundary treatment, control of lighting within the site, and noise from the generator are all capable of being adequately controlled through the imposition of planning conditions. The planning permission being sought is for one pitch (two caravans) only, which can also be secured by a planning condition. Failure to comply with planning conditions would be enforceable by the Council.

Other Considerations

Pitch availability

42. In July 2026 the Council published its Regulation 19 version of its emerging Local Plan (eLP) for Sevenoaks District, expected to be submitted to the Planning Inspectorate for examination in 2027. The eLP seeks to make provision for the full identified need for pitches over the Plan period through a combination of committed supply, intensification of existing sites, regularisation, site allocations and public pitch delivery on strategic sites. For the appellant it is said that the Council's identified future need for pitches is under-estimated. However, it is not for me to pre-judge the outcome of the 2027 eLP examination.

43. The eLP is still at an early stage and whether future need can be met through the delivery of suitable pitches as hoped for remains to be seen. In terms of the situation to date there has more recently been a minor reduction in identified need. Nonetheless, there is no dispute that the Council cannot currently demonstrate a five year supply of specific deliverable pitches to meet the need for gypsy and traveller accommodation, with that being the position for many years representing a failure of policy.

44. In addition to the general unmet need for pitches, there is also a pressing personal need for the appellant and his family. Dismissal of the appeal would result in them being forced to leave the site with no other available site to which they could relocate.

45. Taking all these factors together they attract substantial weight in support of allowing the appeal.

Personal circumstances – Human Rights, Equality Act, Best interests of children

46. Article 8 of the European Convention on Human Rights, as incorporated into the Human Rights Act 1998, provides statutory rights for respect for private and family life and home. However, these are qualified rights such that interference with them can be justified if it is for a legitimate aim and necessary in the wider public interest.

Legitimate aims include the control of land uses through the Town and Country Planning Act 1990 and the wider Planning system. Proportionality is critical in deciding whether any level of interference is justified.

47. In this case I must also have due regard to the Public Sector Equality Duty (PSED) contained under section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment, and victimisation and to advance equality of opportunity. The Act recognises that race constitutes a relevant protected characteristic for the purposes of the PSED. Romany Gypsies are ethnic minorities and thus have the protected characteristic of race.

48. Article 3(1) of the United Nations Convention on the Rights of the Child is also relevant in decision-making. It provides that the best interests of children shall be a primary consideration in all actions by public authorities concerning children, with no other consideration more important.

49. The parties have referred to a number of Court judgments and other appeal Decisions in respect of the application of these statutory rights which I have taken into account.

50. Statements from the appellant and his family set out their particular personal circumstances, including in relation to how the need for a place to live as a family arose, and in respect of health, education, social and other well-being matters.

51. I acknowledge the family's established access to medical, education and other facilities and services are very important. I have no doubt that being able to remain on the appeal site by granting planning permission, even on a personal and/or time limited basis, would be of great benefit to the family and would facilitate and support the Gypsy and Traveller way of life. These factors carry significant weight in support of the appeal.

52. However, given the site development was unauthorised, together with the substantial harm I have identified to the KDNL, and notwithstanding there is no other identified site the family could relocate to, I am not convinced that the best interests of the child or the family's other circumstances and needs constitute an overriding imperative to remain at the site.

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.

54. Policy S5.5 of the Framework states that where development is not inappropriate in the Green Belt proposals should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the Framework's national decision-making policies.

55. The long-standing failure of local planning policy and lack of a five year supply of pitches to meet current general need for pitches, together with the family's personal need for a pitch, collectively attract substantial weight in support of allowing the appeal. Also, as I set out earlier, the family's personal circumstances in consideration of their statutory rights carry significant weight in support of allowing the appeal.

56. The harm to the KDNL I have previously identified in conflict with the Development Plan and national planning policy N4, carries substantial weight against allowing the appeal. Further substantial weight arises from the nature of the development resulting from it being IUD as set out in Framework policy DM8.

57. To conclude, the harm to the KDNL in conflict with the Development Plan, and the resulting substantial weight against allowing the appeal I have previously outlined, indicates that planning permission should be withheld, and this is not outweighed by the collective weight I attach to the material considerations in support of the appeal I have referred to above. With regard to Framework policy S5 the benefits of allowing the appeal are substantially outweighed by its adverse effects, and hence would not amount to sustainable development overall.

58. I have considered whether a personal and/or time limited permission would be justified. A personal only permission could mean that the harm I have set out could remain for an indefinite and considerable period of time. I recognise that the addition of a time limit of up to two years would reduce the harm that results from an indefinite personal or full permission. However, while the balance of weight against allowing full planning permission tilts to some degree towards a time limited permission, the harm would still exist for a considerable period of time. Consequently, the weight I attach to the harm would still not be outweighed by material considerations in respect of a personal and/or time limited permission.

59. For all these reasons I conclude that the appeal on ground (a) fails.

Appeal on ground (f)

60. Section 173 of the Act states that there are two purposes which the requirements of an enforcement notice can seek to achieve. The first, s173(4)(a), is to remedy the breach of planning control which has occurred. The second, s173(4)(b), is to remedy any injury to amenity which has been caused by the breach. Hence, an appeal on ground (f) is a claim that the requirements of the notice exceed what is necessary to remedy the breach of planning control, or, as the case may be, to remedy any harm to amenity resulting from the breach.

61. In this regard the notice requires the unauthorised use to cease, the removal of all caravans and the return of the land to its condition prior to the breach taking place. It is clear therefore that the purpose of the notice falls within s173(4)(a) to remedy the breach of planning control.

62. As set out earlier, the allegation at Section 3 of the notice only needs correcting to refer to “caravans” which includes mobile home and touring types. Requirement 5.2 of the notice is not excessive in requiring the removal of the caravans brought onto the land since their introduction onto the land was integral to the breach of planning control.

63. The appellant argues that requirement 5.4 of the notice is vague because there is no indication of the hardstanding to be removed. However, there is no evidence before me of there being any pre-existing hardstanding on the land prior to the breach of planning control being carried out. As such, the requirement of 5.4 in conjunction with requirement 5.5 requires all of the hardstanding that has been laid within the red line of the appeal site to be removed. The appellant is best placed to know the extent of the hardstanding he has laid. Therefore requirement 5.4 is

neither vague or excessive for the purpose of remedying the breach of planning control.

64. It is not entirely clear to me that seeding the land with a wild meadow grass mix would return the land its former condition although I acknowledge that it may do so. Accordingly, simply requiring restoration of the land to its former condition would suffice, which would allow for seeding if that is appropriate. As such I will vary requirement 5.5 to remove the reference to seeding with wild meadow grass mix.

65. The appeal on ground (f) succeeds to the extent I have set out above and the notice will be varied accordingly.

Appeal on ground (g)

66. The ground of appeal is that the period of time for compliance with the enforcement notice requirements falls short of what should reasonably be allowed. The notice requires compliance within three months. The appellant seeks a period of two years.

67. I am mindful that a breach of planning control and harm resulting from it should be remedied as soon as possible. In this regard it seems to me that the physical works necessary to restore the site to its former condition is capable of being complied with within three months.

68. However, my duty to consider interference with the family's rights and taking a proportional approach in that regard also extends to this ground (g) appeal.

69. As I set out earlier I attach significant weight to the family's personal circumstances. In view of those, extending the time period for compliance would allow a more reasonable degree of stability in terms of reducing potential impacts on education provision and accessing health and welfare services. It would also provide some additional time to secure an alternative site, given that currently the only alternative would be living on the roadside.

70. In light of all the relevant circumstances I consider on balance that twelve months would be more reasonable.

71. The appeal on ground (g) therefore succeeds to this extent and I will vary the notice accordingly.

Formal Decision

72. It is directed that the enforcement notice is corrected and varied by:

- deletion of Section 3 and substitution with the following words:
"Without planning permission, the material change of use of the land to a use for the siting of caravans for residential purposes and associated operational development in the form of the laying of hardstanding";

- deletion of Section 5.1 and substitution of the following words:
"Cease the use of the land for the siting of caravans for residential purposes";

- in Section 5.2 delete the words "mobile homes and touring" and "placed";

- in Section 5.5 delete all the words after the word "condition" and replace them with the words: "that existed before the breach took place";

- in Section 6 replacing “3 months” with “12 months”

73. Subject to the corrections and variations 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.

Thomas Shields

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Matthew Green	Managing Director, Green Planning Studio
Miles Connors	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Sean Mitchell	Planning Enforcement Manager
Emma Coffin	Principal Planning Officer - Policy
Ian Hardman	Planning Enforcement Officer

INTERESTED PARTIES:

Kate Olley	On behalf of the Sundridge and Ide Hill Residents Association
Duncan Parr	
David Gray	
John Coward	
Annette Coward	
William Burrow	
Chun Hong	
Jo Brolly	

DOCUMENTS SUBMITTED DURING THE HEARING

1 Speaking note – Sundridge and Ide Hill Resident's' Association