Planning Inspectorate

Appeal Decision

Site visit made on 17 November 2026

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2026

Appeal Ref: APP/J0540/C/25/3377152
The Orchard, Uffington Road, Barnack, Stamford PE9 3DU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Michael McDonagh against an enforcement notice issued by Peterborough City Council.
- The notice was issued on 12 November 2025.
- The breach of planning control as alleged in the notice is without planning permission, the material change of use of the land for the siting and residential use of caravans for 4 gypsy/traveller families, the use of an existing building as an ancillary dayroom and the laying of hard standing.
- The requirements of the notice are to:
  a) cease the use of the land for the siting and residential use of caravans and mobile homes
  b) remove from the land all caravans, mobile homes and associated residential equipment
  c) cease the use of the existing wooden clad building outlined in blue on the attached plan, as a dayroom and use only in connection with the lawful use of the land
  d) remove all hard standing associated with the unauthorised use (other than what was originally on site, as shown outlined in black on the annotated photograph below) and return the land to its original condition prior to the breach.
- The period for compliance with the requirements is: 12 months.
- The appeal is proceeding on the ground set out in section 174(2)(g) of the Town and Country Planning Act 1990 (as amended).

Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Preliminary matters

2. In addition to this appeal against this notice, there is a concurrent appeal against a notice relating to similar development at the adjacent site at The Vineyard. That is also for my consideration, but I have dealt with it in a separate Decision.

Appeal on ground (g)

3. The appeal on ground (g) is made on the basis that the period specified in the notice in accordance with section 173(9) of the Act falls short of what should reasonably be allowed.

4. The appeal was submitted in December 2025, and a compliance period of 18 months was requested. This was partly to ensure the school age children in the four families living at the site would be able to complete the following academic year (i.e. September 2026 to July 2027) at the schools they attend. Due to the passage of time, by upholding the notice with its 12 month compliance period, the children would be able to stay at the site, and hence in school, up to, and a few months beyond, the end of that academic year. In that respect, upholding the notice would meet their needs and so the 18 month compliance period requested would not be necessary or reasonable.

5. The other reason put forward for extending the compliance period is to allow the appellant and his extended family, who occupy the site, to find alternative accommodation. It is not disputed that the Council cannot demonstrate a five years supply of deliverable gypsy and traveller sites, and this was confirmed in the recent appeal decision[1] dating from June this year which related to this site. That decision also confirmed that there is no alternative accommodation available to the occupiers. Nonetheless, I consider 12 months is a reasonable period to seek alternative accommodation. This is particularly the case given the time that has already elapsed since the previous appeal decision in June. As this current appeal seeks only to mitigate the requirements of the notice, not to quash it, the appellant would have known since June that they would have to leave the site.

6. Although it has not been raised by the parties, given the consequences of the notice, I have had regard to Article 8 of the European Convention on Human Rights as incorporated into the Human Rights Act 1998. Article 8 affords the right to respect for private and family life, including the traditions and culture associated with the gypsy and traveller way of life. It is a qualified right, and interference may be justified where that is lawful and in the public interest.

7. Interference with those rights under Article 8 is ultimately inevitable in this instance given this appeal is proceeding on ground (g) only and the appellant and his extended family are required to leave the site whatever the outcome of this appeal. Dismissing this appeal would require compliance with the notice sooner than they would wish. However, this would remedy the breach promptly and be in the public interest, in accordance with Peterborough Local Plan (2019) policies LP10 and LP13, which seek to ensure safe access to and from the site from the highway can be achieved; and LP17 which seeks to ensure that the future needs of the occupiers are provided for, which in this case relates to the gas pipeline nearby. Indeed, given the reasons for issuing the notice, dismissing the appeal would limit the use of the unsafe access to the site by its occupiers and the risk from the nearby gas pipeline.

8. That balance of human rights and interference with them is subject to the best interests of children and there is no consideration more important than that. The site provides a settled base for the children living there. However, as detailed above, the 12 month compliance period would allow them to finish their school year. Moreover, there are safety concerns associated with the access and the nearby gas pipeline. These are both factors that lead me to conclude that a longer period of compliance would not be in the best interests of the children at the site.

9. Gypsies share the protected characteristic of race for the purposes of the Public Sector Equality Duty (PSED) under s149 of the Equality Act 2010. The Equality Act sets out the requirements to have due regard to the need to eliminate discrimination and advance equality of opportunity. There would be only a temporary benefit in terms of advancing equality or eliminating discrimination by allowing the appellant the opportunity to remain on site for a longer period, and in that case the significant harms resulting from the development, including to the residents of the site, would also be sustained. Dismissing the appeal would therefore be a proportionate response to the PSED.

[1] Refs: 6002091

Conclusion

10. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

Andrew Owen

INSPECTOR