

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

25 March 2025

Our Ref: J005247

LPA Ref: 23/00211/15UNAU

Dear Sir or Madam,

Appeal by Mr. R. Black against the service of an enforcement notice by West Berkshire District Council regarding Land at land adjoining 'Sandhill', Hampstead Norreys Road, Hermitage, Thatcham, RG18 9XU

I refer to the above. WS Planning & Architecture have been instructed to lodge an Appeal by Mr. R. Black ("the Appellant") against the service of an enforcement notice by West Berkshire District Council ("the LPA") regarding *Land at land adjoining 'Sandhill', Hampstead Norreys Road, Hermitage, Thatcham, RG18 9XU* regarding the alleged breach of planning control, comprising,

Without planning permission, the material change of use of the Land from agriculture to use as a Gypsy and Traveller Site comprising five pitches with touring caravans, mobile welfare / storage units, skips, and dog kennels, together with the laying of hardstanding and the erection of fencing associated with the change of use of the site (the "Unauthorised Development").

The Notice requires that the appellant,

- A. *Cease the residential use of the land.*
- B. *Remove from the Land all touring caravans, welfare and storage units, skips, dog kennels and all paraphernalia associated with the residential use.*
- C. *Take the following additional actions:*
 - *Disconnect any electrical supply and remove all electrical supply apparatus from the Land;*
 - *Remove from the Land all septic tanks, water tanks and associated pipework and taps;*

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- *Remove from the Land all fencing and gates that were not there originally;*
- *Remove from the Land all hardcore and hardstanding. All of which facilitate the Unauthorised Development; and*

D. Remove from the Land all debris associated with the above steps.

The period for compliance with the steps set out above is **six (6) months** from the date the Notice takes effect, which would be 27 March 2025 if an appeal were not made.

The appeal is sought to formally proceed under grounds (g).

Preliminary Matters – The Procedure

It is requested that the appeal be handled by way of a Public Inquiry, as it is requested this appeal be linked alongside that lodged under APP/W0340/W/24/3356688 regarding an Appeal under S78 regarding the LPA's refusal to grant planning permission for *“Change of use of land for the formation of 5 Gypsy/Traveller pitches comprising of 1 mobile home, 1 touring caravan, and 1 utility building per pitch”*.

However, it is acknowledged that this appeal need not fully progress, if the LPA agreed to an extended period of compliance.

Put simply, the issue for the appellant is that the Notice would take effect, and could potentially interfere with the S78 appeal pending consideration were the Notice to take effect. The appeal is therefore lodged to preserve those interests, and it may be the case that it can ultimately be determined through written representations.

Should the appeal under S78 be allowed, granting a conditional planning permission, s180(1) of the 1990 Act as amended provides that where, after the service of an enforcement notice, planning permission is granted for any development carried out before the grant of that permission, the notice shall cease to have effect so far as it is inconsistent with that permission. Should the appeal under S78 be allowed, then the Notice would not cease to have effect, and will itself remain active unless the Council chooses to withdraw it. However, insofar as what planning permission has been granted for, there would be no effective breach.

The presence of the Notice would provide a safeguard for the LPA and interested parties in ensuring that the development proceeds as permitted, and any conditions are discharged as they may be required.

Preliminary Matters – The Documents

The appeal submission is supported by the following documents,

- 01 S174 Appeal Forms,
- 02 23/00211/15UNAU - Enforcement Notice – 27 February 2025
- 03 23/00211/15UNAU - Enforcement Notice – Red Line Plan

Ground (g) – The time to comply with the Notice

The appellants submit that the stated time for compliance of 6 months is woefully short of reasonable.

The unauthorised works involve the residential use of the land, and the occupants of the land have no alternative site on which they could resort.

For completeness, the occupants of the land as submitted to the LPA within the S78 appeal are:

- John Sam Black and Grace Tillie Georgina Black,
- Sam Nathan Ayres and Sarah Rose Ayres,
- Andrew Stevens and Scarlett Golia Stevens,
- Edward Wall and Shannon Connors,
- Michael Wall and Kathleen Connors,

As such, when considering ground (g) and the time for compliance with the Notice, the circumstances of five households must be accounted for. The consequence of upholding the Notice and not allowing additional time for compliance would give rise to a roadside existence being necessary for all of these persons, and their young children.

The appellant submits, through the Personal Circumstances Statement, that there exist demonstrable personal needs for accommodation, which has no prospect of being met elsewhere in the immediate future. As such, the main consideration is the social and family consequences for the occupiers.

The probability is that the families would have to find temporary places to stay whether in car parks, on open spaces, unauthorised encampments, doubling up with family or friends and such like. The human cost would be to the families' health, safety and welfare. There would be costs to the community as well.

A compliance period of six months is neither reasonable nor proportionate. A period of 12 months would provide time for these families to explore and consider their options and possibly avoid a return to the roadside. Indeed, the LPA may be able to assist in such a period of time.

The LPA are also in the process of preparing further planning policy documentation, as evidenced overleaf in **Figure 1**.

As such, a period of 12 months should provide time for further work to be done in the Local Plan process, albeit unlikely to give any formal reprieve to the appellants within the compliance period. It would however provide time for the appellant family to engage in the process, and potentially secure an alternative through the Plan-led route.

The issue of Human Rights also arises within these appeals, and would do so specifically under Ground (g). This is said because there is no doubt that if the S78 appeal and other grounds are unsuccessful, the families' Article 8 rights will be engaged. The positive obligation to facilitate their way of life as Travellers is therefore very relevant. The scope of this qualified right is wide and, in appropriate

circumstances, an interference may be justified in the public interest. The aim is to strike a fair balance between the demands of the general interests of the wider community and the protection of the individual's fundamental rights.

The appellant does not argue against the service of the Notice as a means to remedy unauthorised development. The interference would arise from exercising a statutory

Timetable for the preparation of DPDs 2023-2026:

Formal stages of Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)					
	Regulation 18	Regulation 19	Regulation 22	Regulation 24	Regulation 26
	Public participation in the preparation of the DPD (including sustainability appraisal & scope & content of DPD)	Publication of Proposed Submission Documents	Submission to Secretary of State	Start of Independent Examination	Adoption
West Berkshire Local Plan Review to 2022-2039	To December 2022	January 2023	March 2023	April 2023	March 2025
Policies Map	The Policies Map spatially illustrates the policies of the Local Plan on an Ordnance Survey base.				
West Berkshire Gypsy and Traveller Accommodation DPD	November 2023 - December 2024	December 2024	June 2025	July 2025	December 2026
Policies Map	The Policies Map spatially illustrates the policies of the Local Plan on an Ordnance Survey base.				

Figure 1 WBDC Local Development Scheme timetable

function and be in accordance with the law. Also, the interference would be in pursuit of a legitimate aim to protect the environment through the regulation of land use.

However, the means used to impair individual's rights must be no more than is necessary to accomplish the public interest aims.

There are various possible options and outcomes from these appeals, including to grant a full, permanent permission, grant of a temporary permission, grant of a personal permission, or an extension to the compliance period through the appeal on ground (g). The first three scenarios are explored by the appellant within the Statement of Case for the S78 appeal, and the latter consider within Ground (g).

The appellant requests a period of 12 months for compliance with the Notices, and note this is full compliance with the Notice as served.

It is submitted that it would be reasonable and proportionate to allow a period of 12 months for the use to cease as this would give the occupiers and the appellant additional time to seek alternative solutions or arrangements. It strikes a fair balance.

To this limited extent it is requested that should the S78 appeal fail, the appeal on ground (g) succeed.

Conclusions

In the event that planning permission is refused under the S78 appeal, it will be submitted that the requirements of the notice to be complied with within a total period of 6 months is unreasonable, and that a period of at least 12 months in total be allowed for the Notice to be fully complied with given the residential use of the land, the best interests of the children, and the lack of alternative sites for the occupants to resort to.

The appellant does not intend to make any further submissions beyond the documents prepared and submitted. However, the appellant will reserve the right to respond as may be necessary to any submissions made by the LPA or interested parties.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Brian Woods', written in a cursive style.

Brian Woods
Managing Director

Enc.

c.c. Mr. B Dray, Development Manager, West Berkshire District Council, Council Offices, Market Street, Newbury, RG14 5LD