



Appeal Decision

by Sarah Dyer BA BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22ND August 2025

Appeal Ref: APP/W0340/C/25/3363100

Land at land adjoining 'Sandhill', Hampstead Norreys Road, Hermitage, Thatcham RG18 9XU shown edged in red on the attached plan

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr R Black against an enforcement notice issued by West Berkshire District Council.
 - The notice was issued on 27 February 2025.
 - The breach of planning control as alleged in the notice is 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 requirements of the notice are to:
 - 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;
 - 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 requirements is 6 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).
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Decision

1. It is directed that the enforcement notice is corrected by the deletion of the words 'Remove from the Land all fencing and gates which were not there originally' from Section 5 Part C and the substitution of the words 'Remove from the Land all fencing and gates with the exception of those present before the development took place'.
2. It is further directed that the enforcement notice is varied by the deletion of 6 months and its substitution with 12 months for the time for compliance.
3. Subject to the correction and variation the enforcement notice is upheld.

Preliminary Matters

4. At the time when this appeal was submitted the appellant had already submitted an appeal against the refusal of planning permission (Appeal Ref. APP/W0340/W/24/3356688 (the planning appeal) for the development of five gypsy and traveller pitches on the appeal site. This appeal has been allowed, and planning permission has been granted.

The Notice

5. The requirement to 'remove from the Land all fencing and gates which were not there originally' is not precise. I can correct the notice to enable fencing and gates which were on the site before the development took place to be retained without causing injustice to the parties and shall do so.

Ground (g)

6. An appeal on ground (g) is on the basis that the compliance period specified in the enforcement notice falls short of what should reasonably be allowed. The appellant requests that the time for compliance be extended from 6 months to 12 months.
7. The appellant considers that a 12 month period would enable the Council to do further work on its Local Plan, for the occupiers of the site to engage in that process and for the potential for an alternative site through a plan-led process to be explored. Alternatively, 12 months would allow the occupiers to seek alternative solutions and arrangements. He also refers to the personal circumstances and individual rights of the occupiers of the site.
8. The Council cites the ongoing harm arising from the use of the site as its reason why the compliance period is 6 months. However, the Council accepts that were I to find that the personal circumstances put forward by the appellant justify an extended compliance period a maximum of 12 months should be permitted.
9. The submissions by the appellant name the occupiers of the site and these coincide with the names of representatives who attended the Inquiry which was held in respect of the planning appeal. Therefore, the grant of planning permission reduces the need for the occupiers of the site to seek alternatives and limits the likelihood of any of them losing their home.
10. The submissions by the appellant detail that there are 12 adults and at least 13 children on the site. Some of the children attend schools in other areas but the intention is to enrol them in local schools. Most of the families are registered with local doctor's surgeries and some people have medical conditions which require specialist care. Given the number of people on the site, that some are very young and mindful of the advantages of a stable base from which to access education and health facilities, I find that the 6 month compliance period falls short of what should reasonably be allowed, notwithstanding the harm which the Council has identified.
11. Furthermore upholding the notice without any variation in the compliance period at this time of the year has the potential to lead to disruption of the children's education part way through the school year. Extending the period for compliance with the notice to 12 months would avoid this potential impact.
12. Notwithstanding that planning permission has been granted which enables the occupiers to remain on the site, I find that the compliance period specified in the enforcement notice to fall short of what should reasonably be allowed.

Other Matters

13. An interested party has written in to object, but the grounds of their objections relate to the principle of the use of the land and not the compliance period which is the subject of this appeal.

Conclusion

14. For the reasons given above, I conclude that the period for compliance with the notice falls short of what is reasonable. I shall vary the enforcement notice prior to upholding it. The appeal on ground (g) succeeds to that extent.

Sarah Dyer

INSPECTOR

