

As an update, the Planning Inspectorate have now formally confirmed that the planning appeal will be handled through written representations with no need for a hearing/inquiry. The principle issue is the fact the land is Green Belt, there is no dispute over the status of the travellers, and such these matters do need to be tested through cross examination. The agents for the travellers is continuing on that basis.

The lack of progress on this appeal has no reflection on the likelihood of its success. This was lack of progress by the Planning Inspectorate to administer the appeal. Fortunately intervention by UDC has allowed the appeal to gather traction, and subject to a site visit by the Inspector in the next few weeks a decision should be made on this before the Summer.

Part of the appeal is regarding the period of compliance for the Enforcement Notice, which is currently set as six months from the decision if the appeal should be dismissed. The Planning Inspector does have the option to extend this period should he feel fit.

The primary consideration of the appeal is whether the change of use of this land to a travellers site is appropriate in the Green Belt. Whilst it is accepted that the travellers have made changes from tourers to statics with the consent of the Hight Court, these changes do not alter the primary consideration of the case, i.e. should the travellers be there at all. The Local Planning Authority are clearly of the view that they should not. The priority at the moment is to win the appeal

The Local Planning Authority remain confident that the appeal will be dismissed and that Enforcement Notice will be retained (subject to any changes to the compliance period). Should the matter be dismissed then the travellers will have a finite day in which to move on. Whilst it is noted that the travellers own the site, the land has always been Green Belt, and they bought this land with that knowledge. The Council has no obligation to afford any use to this land, and if the appeal is dismissed they have in essence bought land that cannot be used, that is of no concern to the Local Planning Authority.

In effect if the appeal is dismissed and notice upheld, if the travellers continue to be in occupation beyond the compliance period then a criminal offence has been committed, and the Council would have various options through the courts to seek their removal. I should add that the Notice would be equally relevant, any action would be same if they left and returned. The Notice is also clear that the land would have to be reverted to its formal state which includes the removal of hardstanding etc, if that isn't done then the Council is free to remove the items through default action and recharge the landowners for the work. Obviously, the Council would continue to work with the travellers and is confident that that the travellers will wilfully comply with the Enforcement Notice if it is upheld.

At this stage we do have to wait now for the formal decision on the appeal from the Planning Inspectorate.

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