

IN THE HIGH COURT OF JUSTICE
KINGS BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

Claim Number: KB-2025-BHM-00034

B E T W E E N:

HARBOROUGH DISTRICT COUNCIL

(Claimant)

-and-

**(1) MR HENRY BEENY
(2) MR PATRICK HARTY
(3) PERSONS UNKNOWN RESIDENTIALLY OCCUPYING OR
UNDERTAKING DEVELOPMENT AS DEFINED BY SECTION 55 OF THE
TOWN AND COUNTRY PLANNING ACT 1990 TO THE LAND ON WOODWAY
LANE TO THE SOUTH WEST OF CLAYBROOKE PARVA**

(Defendants)

**[draft] INDEX TO BUNDLE FOR INJUNCTION HEARING ON TUESDAY 11 NOVEMBER 2025 at
HIGH COURT, BIRMINGHAM**

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 HM Courts & Tribunals Service		 In the High Court of Justice Birmingham District Registry	
		Claimant	1. Harborough District Council Case No: 2025-BHM-000334
		Defendant	1. Mr Henry Beeny, 2. Mr Patrick Harty, 3. Persons Unknown
		Date	31-10-2025

Amended Notice of Hearing

TAKE NOTICE that the Hearing for **Injunction Application** will take place on

Tuesday 11th November 2025 at 10:30am before Her Honour Judge Kelly

At the Birmingham Civil Justice Centre, Birmingham District Registry, King's Bench Division, Priory Courts, 33 Bull Street, Birmingham, B4 6DS

When you should attend, **in person**

2 hours has been allowed for the HEARING

THE CLAIMANT'S SOLICITOR MUST LODGE AN INDEXED PAGINATED BUNDLE OF RELEVANT DOCUMENTS INCLUDING A CASE SUMMARY AND DRAFT DIRECTIONS PRIOR TO THE HEARING.

Please Note: This case may be released to another Judge, possibly at a different Court

Amended Notice date: 31st October 2025

IN THE HIGH COURT OF JUSTICE
KINGS BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

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B E T W E E N:

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TOWN AND COUNTRY PLANNING ACT 1990 TO THE LAND ON WOODWAY
LANE TO THE SOUTH WEST OF CLAYBROOKE PARVA**

(Defendants)

CASE SUMMARY

The background to this matter is as follows. The Land is located to the south west of Claybrooke Parva, close to the junction of Woodway Lane and the A5 trunk road. The site is outside of the existing built form of Claybrooke Parva and not located within a conservation area. The land was previously open countryside with established hedgerow as the site boundary. The site was previously accessed via a simple field gate from Woodway Lane.

On Saturday 27th September 2025 the Claimant was made aware of an unauthorised operational development taking place on the Land in order to facilitate an unauthorised change of use of the Land for a traveller encampment.

The Claimant received 25 complaints from concerned local residents alleging that sections of hedgerow had been removed to create new vehicular accesses into the Land and heavy works were progressing at speed to create a new road and areas of hardstanding to facilitate a number of gypsy and traveller pitches. On the days that followed further similar complaints were received, totalling around 30 at the present time.

The Claimant attended the site with Leicester Constabulary on 27th September 2025 and served a Temporary Stop Notice (TSN716) on the registered owner of the Land and on the current Occupiers.

The Claimant visited the site and evidenced that a section of established boundary hedgerow had been removed to create a new vehicular access onto the Land from Woodway Lane. Hardcore/road planings had been laid to create a new road through the middle of the site and as hardstanding for the pitches, fences had been erected to delineate plots and a number of caravans and mobile homes had been delivered to site. There were a number of mechanical diggers, dumper trucks etc on site and work was progressing to change the use of the Land to gypsy and traveller pitches.

The Claimant spoke to the First Defendant who identified himself as the owner of the land. The First Defendant explained that they were creating 9 gypsy traveller pitches for himself and his wider family. The First Defendant advised that a planning application had been submitted on Friday 26th September 2025 for the works that were being carried out. Through the conversation with the parties the Claimant also met on site a person identified as the Second Defendant who was an occupier (previously known to the Council as an occupant of the gypsy and traveller site 'Mere Farm' on Mere Lane, Ullesthorpe, a nearby privately owned traveller site in the Harborough district)

The Claimant advised that as planning permission had not been granted for either the operational development or the change of use, the Council would be serving a Temporary Stop Notice which required all works to immediately cease and that a breach of this would carry serious consequences including prosecution. The First Defendant refused to accept TSN716.

Reports from residents of the area continued to be received over the weekend confirming that despite the service of TSN716, works to create the gypsy traveller pitches continued to take place.

On Monday 29th September 2025 on their return to the office the Claimant noted that application 25/01339/FUL had been submitted for 'the change of use of land to 9 travellers pitches, including associated access and works (retrospective)'

Also on Monday 29th September 2025 the Claimant was contacted by telephone by the First Defendant who asked if the Claimant would re visit site to discuss the current situation in further detail.

On a further site visit on 1st October 2025 the Claimant noted that works had indeed continued since the service of TSN716 and the site had been developed further for use as gypsy and traveller pitches. The site has been further levelled, further hardcore/road planings put down and additional fencing installed. It also appeared to the Claimant that a further section of hedgerow had been removed to create a secondary access from Woodway Lane to the Land.

The Claimant placed the First and Second Defendant on notice that breaching the Temporary Stop Notice was an offence and had left them liable to prosecution.

A further site visit was carried out by the Claimant on 13th October 2025 with the purpose of obtaining the most current status of the development. 9 pitches have been set out by post and rail fences and are approaching completion. The First Defendant advised the Claimant that 7 of the 9 were occupied although this had yet to be verified. The Claimant also advises that all

pitches were due to be levelled and covered with gravel to facilitate the secure stationing of mobile homes and caravans over the coming days, ready for occupation. Gates had also been installed at the main entrance for security purposes. The Claimant enquired with the Second Defendant about the grassed land to the right hand side of the track (above the proposed Plot 9) and was told that this would remain as paddock land for horses. It had been sectioned off into around 6 individual paddocks by post and rail fencing.

Prior to the filing of the injunction application the Claimant carried out a further visit to the Land on the morning of 21st October 2025. The Claimant spoke to the First and Second Defendant and another individual known as Mr Christopher Casey, a fellow traveller who resides on the nearby Mere Lane traveller site in Ullesthorpe. The First Defendant advised the Claimant that Western Power had been to site yesterday to look at the provision of electricity. They were hoping that this could be installed within 8-12 weeks.

The First and Second Defendant gave the details of the Occupiers. The Claimant has not been able to establish the full names of all family members occupying each plot. The only parties named as Defendants are the parties the Claimants have come into contact with. The remainder are described as Persons Unknown.

Despite the service of TSN716, works to develop the site for use as 9 gypsy and traveller pitches has continued, showing an unwillingness to comply with conventional enforcement actions. Works have taken place at pace since 26th September 2025 with the proposed 9 pitches now built out and substantially occupied. The Claimant avers that a site visit on 21st October 2025 that the expansion of the site is taking place on the paddock land.



KB-2025-BHM-000334

Harborough District Council
The Symington Building
Adam & Eve Street
Market Harborough
Leicestershire
LE16 7AG

SEAL

(1) Mr Henry Beeny
(2) Mr Patrick Harty
(3) Persons Unknown residentially occupying or undertaking development as defined by
Section 55 of the Town and Country Planning Act 1990
Woodway Park
Woodway Lane
Claybrooke Parva
Leicestershire

2. At the very end of September 2025, the Defendant established an unauthorised gypsy traveller site on the Land in order to facilitate the unauthorised residential occupation. A planning application for the use of the Land for a 9 pitch gypsy traveller site was submitted to the Council but before it could be validated, let alone determined, the Defendants went ahead with the building work. This has included the removal of an established boundary hedgerow to create a new vehicular access, the laying of hardcore/road planings to create a new road through the middle of the site, the laying of hardstanding for the pitches, the erection of fences to delineate the pitches and the siting of a number of caravans and mobile homes. On 27th September 2025, the Council served a Temporary Stop Notice ("TSN") to put a stop to the unlawful activity. This was not obeyed and further unauthorised work has continued. Absent an injunction, the Council has little confidence that they will comply with the TSN, given that conventional enforcement action has proved ineffective.

(1) Mr Henry Beeny
(2) Mr Patrick Harty
(3) Persons Unknown
Woodway Park
Woodway Lane
Claybrooke Parva
Leicestershire

£

Issue date

Details of claim (continued)

3. The claim is brought by the Council pursuant to powers under sections 187B of the Town and Country Planning Act 1990. It provides:

(1) Where a local planning authority consider it necessary or expedient for any actual or apprehended breach of planning control to be restrained by injunction, they may apply to the court for an injunction, whether or not they have exercised or are proposing to exercise any of their other powers under this Part.

(2) On an application under subsection (1) the court may grant such an injunction as the court thinks appropriate for the purpose of restraining the breach.

(3) Rules of court may provide for such an injunction to be issued against a person whose identity is unknown.

(4) In this section “the court” means the High Court or the County Court.

4. In the first instance, the Council seeks an interim injunction to prevent the Defendants from undertaking any further breaches of planning control on the site as their track record to date indicates that there is a significant risk of further unauthorised activity. It is submitted that it is just, expedient and proportionate for the Court to grant the relief sought. There is plainly a serious issue to be tried, the balance of convenience favours the injunction which will freeze the status quo until the planning merits of the planning application have been determined and damages would not be an adequate remedy. In the event that the Defendants fail to obtain planning permission, the Council will seek to restore the proceedings and seek a mandatory order to require the cessation of the residential use.

5. The application is made, in the first instance, on short notice on the grounds of urgency. The Council suspects that if full notice were given (the PD stipulates 21 days) the Defendants will expedite their unlawful activity.

6. A cross-undertaking in damages is not offered. It is inappropriate to require such an undertaking in circumstances where a local authority does not act in its own private interest but seeks to enforce the law in the interests of the public generally: *Kirklees Borough Council Wickes Building Supplies Ltd* [1992] 3 All ER 717, HL.

7. The Claimant seeks:

- (i) Injunctive relief;
- (ii) Any other remedy the Court sees fits; and
- (iii) Costs.

Legal Services
Harborough District Council
The Symington Building
Adam & Eve Street
Market Harborough,
Leicestershire, LE16 7AG

Email: Legal@harborough.gov.uk

Claimant’s or claimant’s legal representative’s address to which documents should be sent if different from overleaf. If you are prepared to accept service by DX, fax or e-mail, please add details.

Statement of Truth

I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

☐ **I believe** that the facts stated in these particulars of claim are true.

☒ **The Claimant believes** that the facts stated in these particulars of claim are true. **I am authorised** by the claimant to sign this statement.

Signature



☐ Claimant

☐ Litigation friend (where claimant is a child or a Protected Party)

☒ Claimant's legal representative (as defined by CPR 2.3(1))

Date

Day

28

Month

10

Year

2025

Full name

Julie Young

Name of claimant's legal representative's firm

Harborough District Council

If signing on behalf of firm or company give position or office held

Head of Legal Services

Find out how HM Courts and Tribunals Service uses personal information you give them when you fill in a form: <https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter>

Application for Injunction (General Form)

Name of court	Claim No.
Claimant's Name and Ref. Harborough District Council	
Defendant's Name and Ref. Henry Beeny, Patrick Harty & Persons Unknown	
Fee Account no.	

Notes on completion

Tick which boxes apply and specify the legislation where appropriate

- (1) Enter the full name of the person making the application
- (2) Enter the full name of the person the injunction is to be directed to
- (3) Set out any proposed orders requiring acts to be done. Delete if no mandatory order is sought.
- (4) Set out here the proposed terms of the injunction order (if the defendant is a limited company delete the wording in brackets and insert 'whether by its servants, agents, officers or otherwise').
- (5) Set out here any further terms asked for including provision for costs
- (6) Enter the names of all persons who have sworn affidavits or signed statements in support of this application
- (7) Enter the names and addresses of all persons upon whom it is intended to serve this application
- (8) Enter the full name and address for service and delete as required

- ☐ By application in pending proceedings
- ☒ Under Statutory provision S.187B of the Town & Country Planning Act 1990
- ☒ This application is made under Part 8 of the Civil Procedure Rules

Seal

This application raises issues under the Human Rights Act 1998 ☒ Yes ☐ No

The Claimant⁽¹⁾ Harborough District Council

applies to the court for an injunction order in the following terms:

The Defendant⁽²⁾ Henry Beeny, Patrick Harty & Persons Unknown
must⁽³⁾ see attached draft Order

The Defendant Henry Beeny, Patrick Harty & Persons Unknown

be forbidden (whether by himself or by instructing or encouraging or permitting any other person)⁽⁴⁾
see attached draft Order

And that⁽⁵⁾

The grounds of this application are set out in the written evidence

of ⁽⁶⁾Ms Michaela Jane Barton sworn (signed) on 22.10.25

This written evidence is served with this application.

This application is to be served upon⁽⁷⁾

Henry Beeny, Patrick Harty & Persons Unknown, Woodway Park, Woodway Lane
Claybrooke Parva, Leicestershire

This application is filed by⁽⁸⁾ Harborough District Council

~~(the Solicitors for)~~ the Claimant (Applicant/~~Petitioner~~)

whose address for service is
Harborough District Council, The Symington Building, Adam and Eve Street, Market Harborough
Leicestershire LE16 7AG

Signed

Dated 28 10 2025

* Name and address of the person application is directed to

To* of at on

This section to be completed by the court

This application will be heard by the (District) Judge

at on

the

day of

20

at

o'clock

If you do not attend at the time shown the court may make an injunction order in your absence

If you do not fully understand this application you should go to a Solicitor, Legal Advice Centre or a Citizens' Advice Bureau

The court office at

is open between 10am and 4pm Mon - Fri. When corresponding with the court, please address all forms and letters to the Court Manager and quote the claim number.

IN THE HIGH COURT OF JUSTICE
KINGS BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

BEFORE []

B E T W E E N:

HARBOROUGH DISTRICT COUNCIL

Claimant

-and-

(1) MR HENRY BEENY
(2) (2) MR PATRICK HARTY
(3) PERSONS UNKNOWN RESIDENTIALLY OCCUPYING OR
UNDERTAKING DEVELOPMENT AS DEFINED BY SECTION 55 OF THE
TOWN AND COUNTRY PLANNING ACT 1990 ON TO THE LAND TO THE
SOUTH WEST OF CLAYBROOKE PLAVA CLOSE TO THE JUNCTION OF
WOODWAY LANE AND THE A5 ROAD

Defendants

ORDER

IMPORTANT NOTICE TO THE DEFENDANTS

YOU MUST OBEY THIS ORDER OF THE COURT. YOU SHOULD READ IT
CAREFULLY. IF YOU DO NOT UNDERSTAND ANYTHING IN THIS ORDER YOU
SHOULD GO TO A SOLICITOR, LEGAL ADVICE CENTRE OR CITIZENS ADVICE
CENTRE.

IF YOU DO NOT OBEY THIS ORDER, YOU WILL BE GUILTY OF CONTEMPT OF COURT AND MAY BE SENT TO PRISON, FINED OR HAVE YOUR ASSETS SEIZED.

On [] October 2025

UPON hearing from Counsel for the Claimant and reading the claim form and the witness statement of Michaela Jane Barton filed in support of the claim

UPON the Court being satisfied that it is appropriate to deal with the matter in the first instance on short notice to the Defendants

UPON the Court being satisfied that it is appropriate to grant relief against an un-named Defendant and correspondingly to allow service by an alternative method in respect of the Defendants

IT IS ORDERED:

1. The Land referred to in this order is land to the south west of Claybrooke Parva, close to the junction of Woodway Lane and the A5 road which is as delineated in red on the attached plan.
2. Until final determination of the claim or further order of the Court, the Defendants shall not whether by themselves or encouraging, instructing or allowing another undertake any development (as defined by section 55 of the Town and Country Planning Act 1990) on the Land without the grant of planning permission or the written consent of the Claimant's solicitor. To that end, the Defendants may not import or deposit any material, undertake any excavation, erect any structure/building or site any caravan/mobile on the land for residential purposes. Nobody may live on the Land who was not living there at the time of service of this order.
3. If the 1st or 2nd Defendant sells or leases the Land, they shall:

- a) Provide a copy of this order to the prospective purchaser/tenant before the Land (or any part therein) is transferred or contracts exchanged;
 - b) Provide the full name and contact details of the new owner/tenant to the claimant's solicitor within 48 hours of the transfer / exchange of contracts.
4. If the 1st or 2nd Defendant has already sold or leased the Land, they shall provide a copy of this order to the purchaser/tenant and provide the full name and contact details of the purchaser/tenant to the Claimant's solicitor as soon as practicable.
5. The Claimant shall use its best endeavours to personally serve the 1st and 2nd Defendant with a copy of this order together with the claim form and the application and evidence in support. In the event that this does not prove possible, the Claimant is permitted to serve them by an alternative method namely that the Claimant may serve each of them with a copy of this order together with the application, claim form and evidence by sending these documents by registered post to their address together with by text message/whatsapp (if available). There shall be deemed service 48 hours after the documents have been posted or within a hour of sending the documents by text/whatsapp.
6. Permission to the Claimant to effect service on the 3rd Defendant by an alternative method namely the Claimant shall:
 - a) Attach copies of this order together with the application, claim form and evidence in a clear plastic envelope at a conspicuous location at the sole entrance of the Land so that it comes to the attention of any visitors;
 - b) Attach copies of this order together with the application, claim form and evidence in a clear plastic envelope on the door of every caravan/mobile home on the Land;
 - c) Load up on to its website a copy of this order together with the application, the amended claim form and evidence so that it is readily and easily accessible by any member of the public including a link to the aforementioned documents from the claimant's main web page.

- d) There shall be deemed service upon completion of these 2 steps.
7. The Claimant shall provide a copy of this order together with the application, claim form and evidence to the planning consultant who is acting for the Defendants in their planning application for the land by email or post.
8. Liberty to the Defendants to apply to set aside or vary this order upon 48 written notice to the Claimant.
9. The matter shall return for an on-notice hearing of the interim application on 10.30am on [] with a time estimate of 1.5 hours. At this hearing, the Court shall reconsider whether the interim order was properly made and whether its terms ought to be varied or discharged.
10. If the Defendants wish to:
- a) Rely upon any evidence to contest the claim, they must file and serve the acknowledgment of service within 14 days of service.
- b) Rely upon any evidence to contest the application, they shall file and serve it at least 3 days before the hearing.
11. Costs reserved.

IN THE HIGH COURT OF JUSTICE
KINGS BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

Claim Number:

B E T W E E N:

HARBOROUGH DISTRICT COUNCIL

(Claimant)

-and-

(1) MR HENRY BEENY

(2) MR PATRICK HARTY

**(3) PERSONS UNKNOWN RESIDENTIALLY OCCUPYING OR
UNDERTAKING DEVELOPMENT AS DEFINED BY SECTION 55 OF THE
TOWN AND COUNTRY PLANNING ACT 1990 TO THE LAND ON WOODWAY
LANE TO THE SOUTH WEST OF CLAYBROOKE PARVA**

(Defendants)

Certification of Urgency

I, Julie Young, Head of Legal Services, Harborough District Council, The Symington Building, Adam and Eve Street, Market Harborough, LE16 7AG, hereby certifies that this claim needs to be heard as a matter of urgency due to the ongoing and continuing nature of the breaches of planning control, set out in the witness statement of Michaela Jane Barton dated 22 October 2026 annexed to this application and set out further below:

Paragraph 31 (1) I understand that there is a requirement to show there is a sufficiently real and imminent risk of harm to justify granting the injunction. In this case there has been a breach of planning control which has not been restrained despite service of the Temporary Stop Notice.

(3) I understand the requirement to provide effective notice of the injunction and for the method of such notice to be set out in the order; in this instance I consider three days notice as reasonable to provide some notice, but not so much notice as to allow the breach of planning control to continue without restraint.



Signed.....

Insert name: Julie Young

Dated: 28 October 2025

IN THE HIGH COURT OF JUSTICE
KINGS BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

Claim Number:

B E T W E E N:

HARBOROUGH DISTRICT COUNCIL

(Claimant)

-and-

(1) MR HENRY BEENY

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LANE TO THE SOUTH WEST OF CLAYBROOKE PARVA**

(Defendants)

Witness Statement of Michaela Jane Barton

I, Michaela Jane Barton of Harborough District Council, The Symington Building, Adam and Eve Street, Market Harborough, LE16 7AG, will say as follows:

1. I am the Planning Enforcement Team Leader at Harborough District Council and case officer for the planning enforcement case at Land on Woodway Lane to the South West of Claybrooke Parva and I am duly authorised by the Claimant to make this Statement in relation to an application for injunctive relief.
2. I make this Witness Statement from the facts and matters within my own knowledge and which are contained within the Councils internal case management system in respect of this matter.
3. Where I refer to facts and matters outside of my own knowledge, I identified the source of those facts and matters, and I confirm that such facts and matters are true

to the best of my knowledge and belief. I confirm that those matters which are in my own knowledge are true to the best of my knowledge and belief.

4. Attached to this witness statement are Exhibits known as “**MJB**” (followed by a number) to which I will make reference to.

The Planning Background

5. The Land is located to the south west of Claybrooke Parva, close to the junction of Woodway Lane and the A5 trunk road as shown on the plan attached as Exhibit MJB01. The site is outside of the existing built form of Claybrooke Parva and not located within a conservation area. The land was previously open countryside with established hedgerow as the site boundary. The site was previously accessed via a simple field gate from Woodway Lane as shown on Exhibit MJB02.
6. On Saturday 27th September 2025 Harborough District Council (hereinafter referred to as ‘the Council’) were made aware of unauthorised operational development taking place on the Land in order to facilitate an unauthorised change of use of the Land for a traveller encampment.
7. At this point around 25 complaints from concerned local residents had been received by the Councils Chief Executive and the Planning Enforcement team, alleging that sections of hedgerow had been removed to create new vehicular accesses into the Land and heavy works were progressing at speed to create a new road and areas of hardstanding to facilitate a number of gypsy and traveller pitches. On the days that followed further similar complaints were received, totalling around 30 at the present time.
8. I attended site with a Police Officer from Leicestershire Police at approximately 17:00 on 27th September 2025 and served a Temporary Stop Notice (TSN716) on the registered owner of the Land and on the current Occupiers. A copy of TSN716 is attached as Exhibit MJB03.
9. A copy of the Land Registry documents are attached as Exhibit MJB04.

10. My visit to site evidenced that a section of established boundary hedgerow had been removed to create a new vehicular access onto the Land from Woodway Lane. Hardcore/road planings had been laid to create a new road through the middle of the site and as hardstanding for the pitches, fences had been erected to delineate plots and a number of caravans and mobile homes had been delivered to site. There were a number of mechanical diggers, dumper trucks etc on site and work was progressing to change the use of the Land to gypsy and traveller pitches.
11. I spoke to a Mr Henry Beeny who identified himself as the owner of the land. He explained that they were creating 9 gypsy traveller pitches for himself and his wider family. He said that a planning application had been submitted on Friday 26th September 2025 for the works that were being carried out. Through the conversation with the parties I met on site I identified Patrick Harty as an occupier (previously known to the Council as an occupant of the gypsy and traveller site 'Mere Farm' on Mere Lane, Ullesthorpe, a nearby privately owned traveller site in the Harborough district) He stated that the Mere Lane site was currently experiencing high levels of crime (confirmed by the police) and that he wanted a safe and secure environment for himself and his young family. He also confirmed that his wife had been experiencing seizures and for this reason they were keen to stay local to their existing doctors surgery.
12. I explained that as planning permission had not been granted for either the operational development or the change of use, the Council would be serving a Temporary Stop Notice which required all works to immediately cease and that a breach of this would carry serious consequences including prosecution. Mr Beeny refused to accept TSN716 and so I attached it to a nearby street sign as shown at Exhibit MJB05. Due to the contentious nature of this site visit, I did not consider it appropriate to take photographs at this time.
13. Reports from residents continued to be received over the weekend confirming that despite the service of TSN716, works to create the gypsy traveller pitches continued to take place. Before and after photographs from residents drone footage are attached at Exhibit MJB06.

14. On Monday 29th September 2025 on my return to the office I noted that application 25/01339/FUL had been submitted for 'the change of use of land to 9 travellers pitches, including associated access and works (retrospective)' The application form and associated plans are attached as Exhibit MJB07.
15. This application was validated on the basis of the information provided however it was subsequently noted by Development Management Officers that the site is larger than 0.5ha and the wrong box had been ticked by the applicants on the application form. The Council's Head of Development Management took a view that this would make no material difference to the ultimate consideration of the planning application and that the same processes and procedures would be followed irrespective. They judged that the public interest in progressing the application outweighed the short term potential delay. They also considered that the Council would take the same approach with any other applicant and as such was being entirely consistent with its approach to validation management. For clarity the date of validation is always taken as the date when the application is submitted to the Council which was the Friday prior to the incursion on the land on the Saturday 27th September 2025.
16. Also on Monday 29th September 2025 I was contacted by telephone by Mr Beeny who asked if I would re visit site to discuss the current situation in further detail.
17. On a further site visit on 1st October 2025 I noted that works had indeed continued since the service of TSN716 and the site had been developed further for use as gypsy and traveller pitches. Site visit photographs are attached as Exhibit MJB08 and show that the site has been further levelled, further hardcore/road planings put down and additional fencing installed. It also appeared to me that a further section of hedgerow had been removed to create a secondary access from Woodway Lane to the Land.
18. During this visit I explained to Mr Beeny and Mr Harty once again that breaching the Temporary Stop Notice was an offence and had left them liable to prosecution. I advised that the Council was taking further legal advice in this respect. They asked if they could carry on developing the site and erecting gates at the front entrance for security. I reiterated that any further operational development carried out without the

required permissions would leave them at the risk of future enforcement action including prosecution. They also asked about registering for Council Tax and obtaining bins for their waste which I offered to investigate for them. They mentioned that they had heard that the Council did not have a current supply of gypsy and traveller sites and asked if this would be relevant in determining their application. I advised them that this would be a consideration amongst a number of other factors but that it wasn't a matter I could advise further on in my role as Enforcement Officer.

19. On the back of Counsel advice which stated that injunctive relief may have a prospect of success, a further site visit was carried out by myself on 13th October 2025 with the purpose of obtaining an up to date picture for this witness statement. Photographs from this visit are attached at Exhibit MJB09. These show that the 9 pitches have been set out by post and rail fences and are approaching completion. Mr Beeny told me that 7 of the 9 were occupied although I estimated 6 to be occupied from the caravans/mobile homes sited on each pitch. My site notes are attached as Exhibit MJB10. I was also advised that all pitches were due to be levelled and covered with gravel to facilitate the secure stationing of mobile homes and caravans over the coming days, ready for occupation. Gates had also been installed at the main entrance for security purposes. I asked Patrick Harty about the grassed land to the right hand side of the track (above the proposed Plot 9) and I was told that this would remain as paddock land for horses. It had been sectioned off into around 6 individual paddocks by post and rail fencing.

20. Prior to the final submission of this witness statement I carried out a further visit to the Land on the morning of 21st October 2025. Photographs from this visit are attached as Exhibit MJB11. I spoke to Mr Henry Beeny, Mr Patrick Harty and Mr Christopher Casey, a fellow traveller who resides on the nearby Mere Lane traveller site in Ullesthorpe. He told me that he was helping Mr Beeny and Mr Harty with the works required to create the pitches. Mr Beeny told me that Western Power had been to site yesterday to look at the provision of electricity. They were hoping that this could be installed within 8-12 weeks.

21. Mr Beeny and Mr Casey advised that the occupiers of each plot would be as per the below –

Plot 1 – Patrick Harty and family (currently occupied)

Plot 2 - The Connors family

Plot 3 - The Lee family (currently occupied)

Plot 4 – The Lee/Connors family

Plot 5 – The Boswell family

Plot 6 – The Lee family

Plot 7 and Plot 8 (a double plot) – The Lee family (currently occupied)

Plot 9 – Henry Beeny and family (currently occupied)

Despite my best efforts I have not been able to establish the full names of all family members occupying each plot which is why I have not named these parties as Defendants. The only parties named as Defendants are the parties I have had contact with on my site visits.

22. Mr Beeny and Mr Casey advised me that an additional access to the site had been installed from Woodway Lane to create a separate vehicular access to the paddock land which would be used for the 7 or 8 horses belonging to the various families. For clarity, this is not shown on the plans submitted on application 25/01339/FUL and appears to have involved the infilling of a pond which is shown on the Block Plan submitted with this application. Patrick Harty advised me that the paddock land had been sectioned off to keep the stallion, mares and foals separated. I noted that close boarded fencing had been installed as a boundary treatment rather than post and rail as would be more appropriate for a paddock and so I asked the question of whether these areas were intended to be used as additional pitches in the future, given the hardcore that had been placed on the land. Mr Beeny and Mr Casey stated that the hardcore was only to be laid on a part of each paddock for equestrian requirements and that grassed areas would remain. They stated that this land wouldn't be used for additional pitches.

23. As I was taking photos of the existing stables on site, a workman who was carrying out works to a fence at the rear of Plot 9 began a conversation with me. From the content of our conversation I didn't believe him to be part of the group occupying the site and was just carrying out works on their behalf. I asked him if he was working on the stables and he said no, he was repairing fences which had been installed in haste when the incursion first took place and were not stable. We began talking about the repair/replacement of the stables and he said that he believed that additional pitches were eventually intended for the remaining land. He was then called away by Patrick Harty and the conversation ended.
24. As additional information, the most recently published position the detailing the Councils current supply of land for traveller sites is set out in the Authority Monitoring Report 2022/23 published in February 2025 which shows the land supply position for Gypsy and Traveller pitches as of 31 March 2023. This document is attached as Exhibit MJB12. This demonstrates a supply of 3.10 years under the cultural definition, and 1.03 years under the Planning Policy For Traveller Sites (PPTS) definition.
25. At the current time, there is not a 5-year supply of identified Gypsy and Traveller sites in the district, although the new proposed submission draft Local Plan that has completed the Reg 19 stage proposes to allocate provision to restore this.
26. The emerging Local Plan (eLP) policy HN06 (3) allocates land at Wells Close, Woodway Lane, Claybrooke Parva for 3 gypsy and traveller pitches. This eLP site is approximately two fields away (ie a few hundred metres) from the Land.
27. The eLP has limited weight at best but nevertheless the Local Planning Authority indicates that the locality has potential for G&T use.
28. The Council anticipates that the new local plan will be submitted for independent examination in March 2026. Paragraph 28 of the PPTS states that if a local planning authority cannot demonstrate an up to date 5-year supply of deliverable sites, the provisions in paragraph 11(d) of the National Planning Policy Framework apply.

29. Recent Inspectors decisions at planning appeals within the district (Decisions attached as Exhibit MJB12) highlight the Councils supply shortfall of gypsy and traveller pitches. The NPPF Paragraph 11 presumption in favour of sustainable development should therefore apply to application 25/01339/FUL.

30. I have been reliably informed by MATU, the Multi Agency Traveller Unit at Leicestershire County Council, that there are no nearby transit pitches in Leicestershire, Northamptonshire, Warwickshire or Derbyshire and so anyone requiring a local authority transit pitch would need to travel to the nearest ones which are believed to be in the West Midlands or Stoke on Trent. MATU believe that the only other alternative would be for the families to consider privately owned sites where pitches are rented to other Gypsies and Travellers however these generally only take families that are known or have a family connection. There is also little or no security of tenure and families are often asked to leave with as little as a days notice.

31. In respect of Persons Unknown, I understand that the Courts have set out the following necessary conditions for the grant of such relief:

(1) I understand that there is a requirement to show there is a sufficiently real and imminent risk of harm to justify granting the injunction. In this case there has been a breach of planning control which has not been restrained despite service of the Temporary Stop Notice.

(2) In this instance there is an impossibility of naming all the persons who may be likely to continue the planning breach unless restrained, although the owners/occupiers have been named above to the best of my knowledge and belief.

(3) I understand the requirement to provide effective notice of the injunction and for the method of such notice to be set out in the order; in this instance I consider three days notice as reasonable to provide some notice, but not so much notice as to allow the breach of planning control to continue without restraint.

(4) I understand that the terms of the injunction correspond to the breach of planning control and are not so wide that they prohibited lawful conduct.

(5) I am satisfied that the terms are sufficiently clear and precise as to enable persons potentially affected to know what they have not to do.

(6) I understand that the injunction should have clear geographical and time limits and am satisfied that it does so in this instance, as the boundary of the site is clear and the injunction will continue until the planning application is determined.

Reason for Injunctive Proceedings

32. I have reasonable expectation that without injunctive relief further significant breaches of planning control will occur in terms of the material change of use of the land for use as gypsy and traveller pitches and the associated operational development. This expectation is on the basis of the scale and speed of the ongoing unauthorised activity to date.

33. The fact that TSN716 has been breached is important here. Despite the service of TSN716, works to develop the site for use as 9 gypsy and traveller pitches has continued, showing an unwillingness to comply with conventional enforcement actions.

34. Works have taken place at pace since 26th September 2025 with the proposed 9 pitches now built out and substantially occupied. It is my serious concern following my site visit on 21st October 2025 that the expansion of the site is already taking place on the paddock land. This does not have planning permission nor is it included on the proposals submitted on application 25/01339/FUL. There is therefore the real possibility that this site will expand further without permission and this should be considered a relevant factor in seeking injunctive relief.

35. I am also concerned from an ecology perspective that additional established and potentially protected boundary hedgerows may be damaged or removed.

36. Taking effective enforcement action for a breach of planning control is important as a means of maintaining public confidence in the planning system. The proposed injunction cannot be said to interfere with the defendants ECHR rights, as the

injunction will only prevent them from doing that which they are already not permitted to do. The Councils pursuance for injunctive relief cannot be regarded as disproportionate to the legitimate aims being pursued and having regard to the overall planning balance and the public interest.

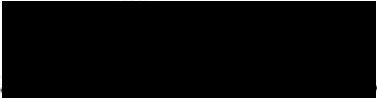
37. In conclusion the Council consider it necessary and expedient to initiative injunctive proceedings.

38. I understand that notice ought to be given of application to the defendants and am advised that 3 clear days is appropriate in these circumstances. Whilst it is fair to give some notice, to allow 21 days would provide an incentive for unlawful activity to continue.

39. I am aware that there is a high duty of candour for applications without (or on short) notice. I am aware that I must objectively set out the facts for the Court rather than offering up a partial account. To that end, I have reflected upon what points could properly be made against the Council. I acknowledge that the defendants may say that no further development is planned until the planning application has been determined and therefore my fears could be proved unfounded. I also recognise that the Council could grant planning permission which would retrospectively regularise the breach of planning control. Even if the Council refuses the application, the defendants could succeed upon appeal.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth

Signed. 

Insert name **MICHAELA JANE BARTON**

Dated..... **22nd October 2025**

IN THE HIGH COURT OF JUSTICE
KINGS BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

Claim Number:

B E T W E E N:

HARBOROUGH DISTRICT COUNCIL

(Claimant)

-and-

(1) MR HENRY BEENY

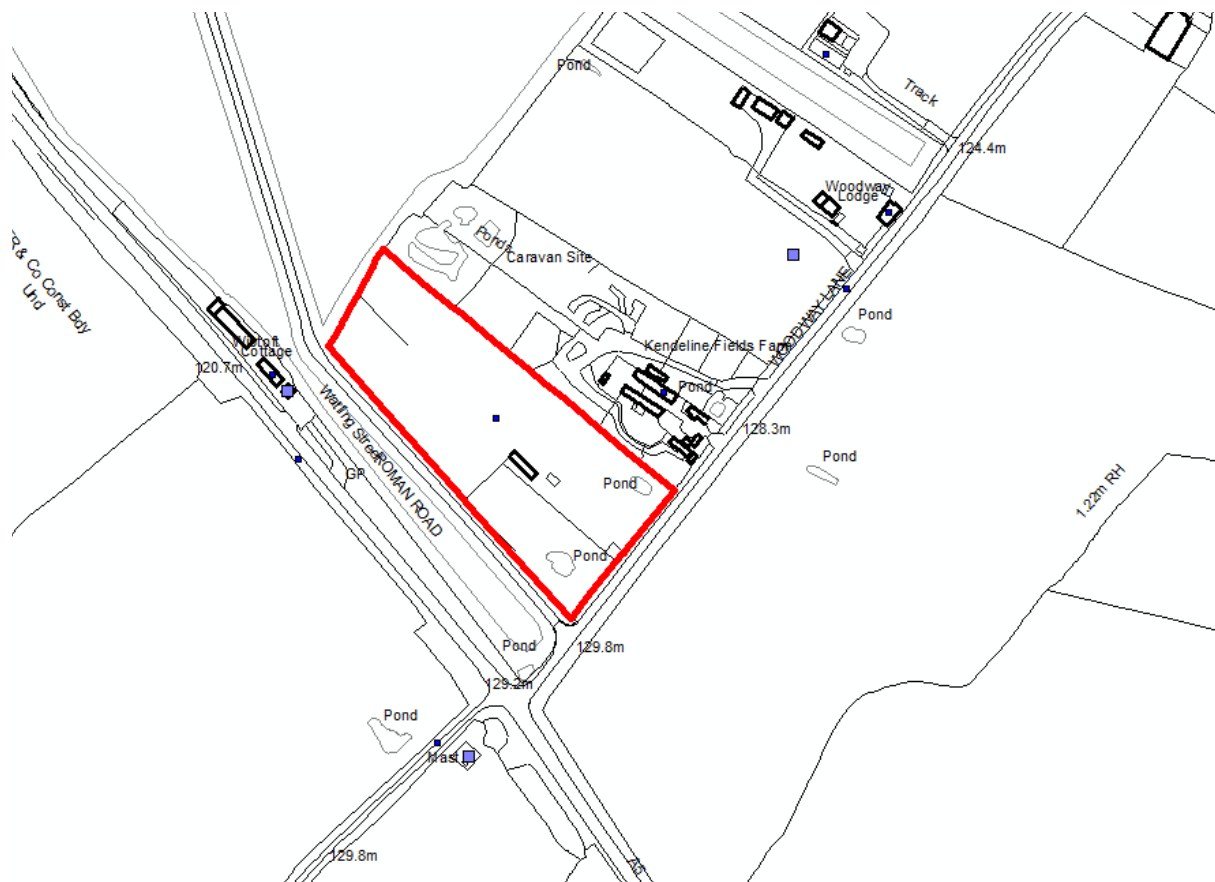
(2) MR PATRICK HARTY

**(3) PERSONS UNKNOWN RESIDENTIALLY OCCUPYING OR
UNDERTAKING DEVELOPMENT AS DEFINED BY SECTION 55 OF THE
TOWN AND COUNTRY PLANNING ACT 1990 TO THE LAND ON WOODWAY
LANE TO THE SOUTH WEST OF CLAYBROOKE PARVA**

(Defendants)

Exhibit MJB01

Exhibit MJB01 – The Plan of the Land



IN THE HIGH COURT OF JUSTICE
KINGS BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

Claim Number:

B E T W E E N:

HARBOROUGH DISTRICT COUNCIL

(Claimant)

-and-

(1) MR HENRY BEENY

(2) MR PATRICK HARTY

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LANE TO THE SOUTH WEST OF CLAYBROOKE PARVA**

(Defendants)

Exhibit MJB02

Exhibit MJB02 Previous access to the Land



IN THE HIGH COURT OF JUSTICE
KINGS BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

Claim Number:

B E T W E E N:

HARBOROUGH DISTRICT COUNCIL

(Claimant)

-and-

(1) MR HENRY BEENY

(2) MR PATRICK HARTY

**(3) PERSONS UNKNOWN RESIDENTIALLY OCCUPYING OR
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LANE TO THE SOUTH WEST OF CLAYBROOKE PARVA**

(Defendants)

Exhibit MJB03



IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
(As amended by the Planning and Compensation Act 1991 and the Planning and Compulsory Purchase Act 2004)

TEMPORARY STOP NOTICE

SERVED BY: Harborough District Council - herein after referred to as “the Council”.

To:

1. The Owners/The Occupiers, Land at Woodway Lane, Claybrooke Parva, Lutterworth
2. Clara Smith, Caravan and Castle Aston Firs, Hinckley Road, Sapcote, Leicester, LE9 4LH

1. On 27th September 2025, the Council has issued this Temporary Stop Notice alleging that there has been a breach of planning control on the Land described in paragraph 4 below.

2. This Temporary Stop Notice is issued by the Council, in exercise of their power in section 171E of the 1990 Act, because they think that it is expedient that the activity specified in this notice should cease on the land described in paragraph 4 below. The Council now prohibits the carrying out of the activity specified in this notice. Important additional information is given in the Annex to this notice.

3. THE REASONS FOR ISSUING THIS NOTICE

The Council considers that it is expedient and in the public interest to take enforcement action because the activities constituting the unauthorised change

of use and associated unauthorised operational development cause significant harm in terms of visual and environmental impact on nearby residential amenity and the area generally.

In light of the absence of the necessary planning permission, the Council considers that these activities should cease.

4. THE LAND TO WHICH THIS NOTICE RELATES

Land at Woodway Lane, Claybrooke Parva, Lutterworth, Leicestershire ('the Land') shown edged red on the attached Plan ('the Plan')

5. THE ACTIVITY TO WHICH THIS NOTICE RELATES

The breach of planning control is the unauthorised material change of use of the Land to a Gypsy and Traveller residential caravan site and the associated unauthorised operational development including excavation, the laying of hardcore and road planings, erection of fencing, importation of soil and the creation of hardstanding.

6. WHAT YOU ARE REQUIRED TO DO

Immediately cease the authorised change of use of the Land for the purposes of a residential Gypsy and Traveller site. No further caravans or mobile homes are to be placed on the Land. Cease any associated unauthorised operational development on the Land including the importation of materials.

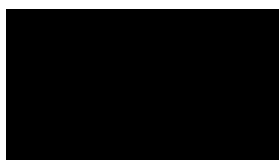
7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on the 27th September 2025 when all the activity specified in this notice must cease.

This notice will cease to have effect 56 days after the date this Notice takes effect.

Date issued: 27th September 2025

Signed:



Authorised Officer

On behalf of: Harborough District Council
 The Symington Building, Adam and Eve Street,
 Market Harborough, LE16 7AG

ANNEX

WARNING

THIS NOTICE TAKES EFFECT ON THE DATE SPECIFIED IN PARAGRAPH 7.

THERE IS NO RIGHT OF APPEAL TO THE SECRETARY OF STATE AGAINST THIS NOTICE.

It is an offence to contravene a temporary stop notice after a site notice has been displayed or the temporary stop notice has been served on you (section 171E(4) of the 1990 Act). If you then fail to comply with the temporary stop notice you will be at risk of prosecution in the Magistrates' Court, for which the maximum penalty is £20,000 on summary conviction for a first offence and for any subsequent offence.

The fine on conviction on indictment is unlimited. If you are in any doubt about what this notice requires you to do, you should get in touch immediately with the Council's nominated officer:

Michaela Barton, Team Leader Planning Enforcement
Harborough District Council
The Symington Building
Adam & Eve Street
Market Harborough
Leicestershire, LE16 7PQ

Email: m.barton@harborough.gov.uk
Tel: 01858 821042
Mobile: 07719911025

If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters.

If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review.

The Plan



IN THE HIGH COURT OF JUSTICE
KINGS BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

Claim Number:

B E T W E E N:

HARBOROUGH DISTRICT COUNCIL

(Claimant)

-and-

(1) MR HENRY BEENY

(2) MR PATRICK HARTY

**(3) PERSONS UNKNOWN RESIDENTIALLY OCCUPYING OR
UNDERTAKING DEVELOPMENT AS DEFINED BY SECTION 55 OF THE
TOWN AND COUNTRY PLANNING ACT 1990 TO THE LAND ON WOODWAY
LANE TO THE SOUTH WEST OF CLAYBROOKE PARVA**

(Defendants)

Exhibit MJB04



Official copy of register of title

Title number LT237568

Edition date 09.03.2021

- This official copy shows the entries on the register of title on 27 SEP 2025 at 14:47:10.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 27 Sep 2025.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Leicester Office.

A: Property Register

This register describes the land and estate comprised in the title.

LEICESTERSHIRE : HARBOROUGH

- 1 (15.04.1991) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Land fronting Woodway Lane, Claybrooke Parva, Lutterworth.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (09.03.2021) PROPRIETOR: CLARA SMITH of Caravan & Castle Aston Firs, Hinckley Road, Sapcote, Leicester LE9 4LH.
- 2 (09.03.2021) The price stated to have been paid on 7 December 2020 was £2,000.

End of register

The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

These are the notes referred to on the following official copy

The electronic official copy of the title plan follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from HM Land Registry.

This official copy is issued on 27 September 2025 shows the state of this title plan on 27 September 2025 at 14:47:11. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002).

This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by the HM Land Registry, Leicester Office .

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IN THE HIGH COURT OF JUSTICE
KINGS BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

Claim Number:

B E T W E E N:

HARBOROUGH DISTRICT COUNCIL

(Claimant)

-and-

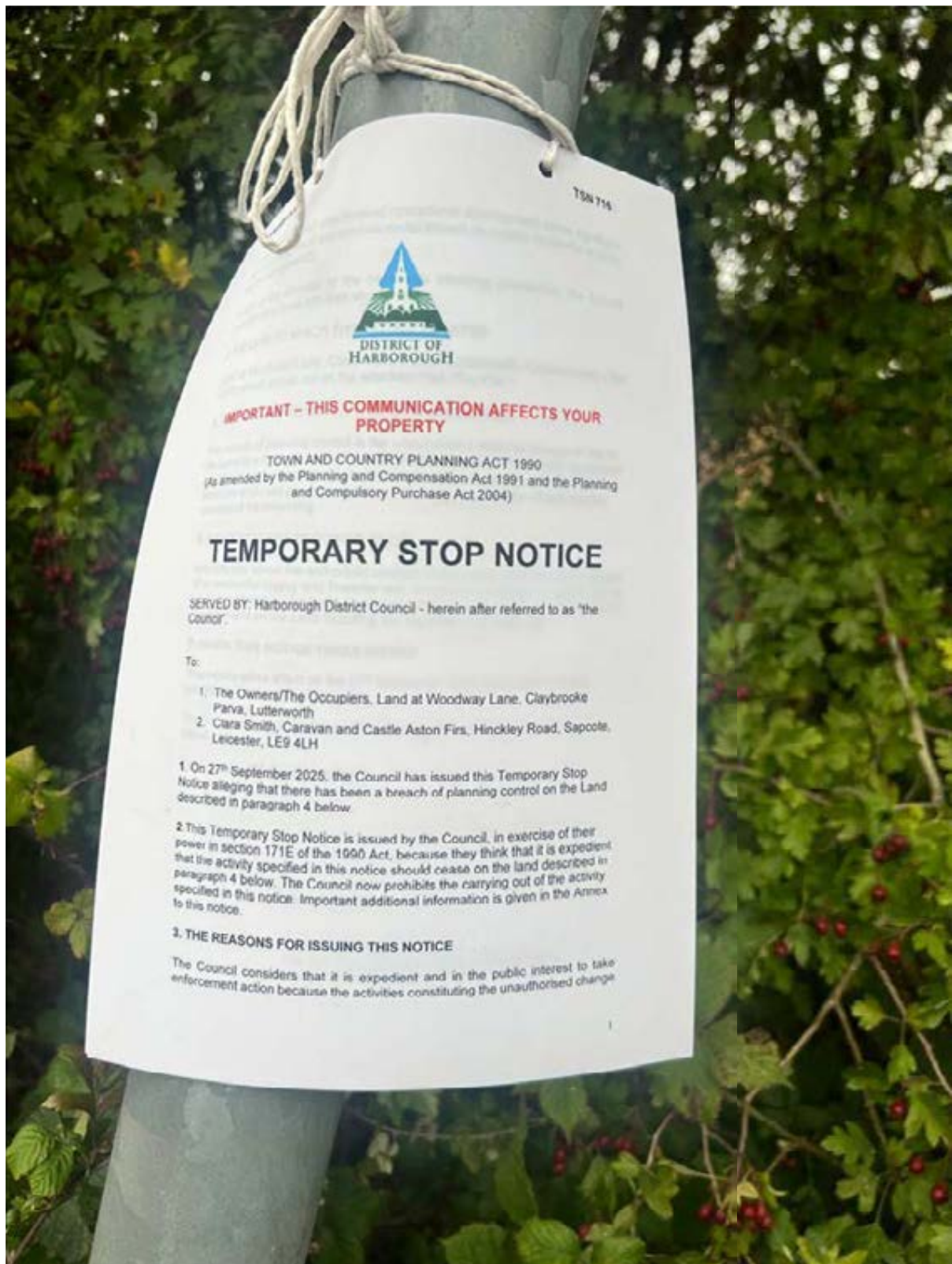
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LANE TO THE SOUTH WEST OF CLAYBROOKE PARVA**

(Defendants)

Exhibit MJB05



IN THE HIGH COURT OF JUSTICE
KINGS BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

Claim Number:

B E T W E E N:

HARBOROUGH DISTRICT COUNCIL

(Claimant)

-and-

(1) MR HENRY BEENY

(2) MR PATRICK HARTY

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LANE TO THE SOUTH WEST OF CLAYBROOKE PARVA**

(Defendants)

Exhibit MJB06

Exhibit MJB06 – photographs from residents drone showing the Land before and after the unauthorised development



IN THE HIGH COURT OF JUSTICE
KINGS BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

Claim Number:

B E T W E E N:

HARBOROUGH DISTRICT COUNCIL

(Claimant)

-and-

(1) MR HENRY BEENY

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TOWN AND COUNTRY PLANNING ACT 1990 TO THE LAND ON WOODWAY
LANE TO THE SOUTH WEST OF CLAYBROOKE PARVA**

(Defendants)

Exhibit MJB07



Application for Planning Permission

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

Description of site location must be completed if postcode is not known:

Easting (x)

Northing (y)

Description

Applicant Details

Name/Company

Title

Mr

First name

Surname

Smith

Company Name

Address

Address line 1

Woodway Lane

Address line 2

Address line 3

Town/City

Lutterworth

County

Country

Postcode

LE17 5BH

Are you an agent acting on behalf of the applicant?

☐ Yes

☒ No

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

***** REDACTED *****

Site Area

What is the measurement of the site area? (numeric characters only).

16646.00

Unit

Sq. metres

Description of the Proposal

Please note in regard to:

- **Fire Statements** - From 1 August 2021, planning applications for buildings of over 18 metres (or 7 stories) tall containing more than one dwelling will require a 'Fire Statement' for the application to be considered valid. There are some exemptions. [View government planning guidance on fire statements](#) or [access the fire statement template and guidance](#).
- **Permission In Principle** - If you are applying for Technical Details Consent on a site that has been granted Permission In Principle, please include the relevant details in the description below.
- **Public Service Infrastructure** - From 1 August 2021, applications for certain public service infrastructure developments will be eligible for faster determination timeframes. See help for further details or [view government planning guidance on determination periods](#).

Description

Please describe details of the proposed development or works including any change of use

Division of site for 9 travellers caravans

Has the work or change of use already started?

☐ Yes

☒ No

Existing Use

Please describe the current use of the site

Field

Is the site currently vacant?

☐ Yes

☒ No

Does the proposal involve any of the following? If Yes, you will need to submit an appropriate contamination assessment with your application.

Land which is known to be contaminated

☐ Yes

☒ No

Land where contamination is suspected for all or part of the site

☐ Yes

☒ No

A proposed use that would be particularly vulnerable to the presence of contamination

☐ Yes

☒ No

Materials

Does the proposed development require any materials to be used externally?

☐ Yes

☒ No

Pedestrian and Vehicle Access, Roads and Rights of Way

Is a new or altered vehicular access proposed to or from the public highway?

☒ Yes

☐ No

Is a new or altered pedestrian access proposed to or from the public highway?

☐ Yes

☒ No

Are there any new public roads to be provided within the site?

☐ Yes

☒ No

Are there any new public rights of way to be provided within or adjacent to the site?

☐ Yes

☒ No

Do the proposals require any diversions/extinguishments and/or creation of rights of way?

☐ Yes

☒ No

If you answered Yes to any of the above questions, please show details on your plans/drawings and state their reference numbers

See proposed site plan

Vehicle Parking

Does the site have any existing vehicle/cycle parking spaces or will the proposed development add/remove any parking spaces?

☒ Yes

☐ No

Please provide information on the existing and proposed number of on-site parking spaces

Vehicle Type:

Other

Other (please specify):

Caravans

Existing number of spaces:

0

Total proposed (including spaces retained):

9

Difference in spaces:

9

Trees and Hedges

Are there trees or hedges on the proposed development site?

☒ Yes

☐ No

And/or: Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character?

☒ Yes

☐ No

If Yes to either or both of the above, you may need to provide a full tree survey, at the discretion of the local planning authority. If a tree survey is required, this and the accompanying plan should be submitted alongside the application. The local planning authority should make clear on its website what the survey should contain, in accordance with the current 'BS5837: Trees in relation to design, demolition and construction - Recommendations'.

Assessment of Flood Risk

Is the site within an area at risk of flooding? (Check the location on the Government's [Flood map for planning](#). You should also refer to national [standing advice](#) and your local planning authority requirements for information as necessary.)

☐ Yes

☒ No

Is your proposal within 20 metres of a watercourse (e.g. river, stream or beck)?

☐ Yes

☒ No

Will the proposal increase the flood risk elsewhere?

☐ Yes

☒ No

How will surface water be disposed of?

☒ Sustainable drainage system

- ☐ Existing water course
- ☐ Soakaway
- ☐ Main sewer
- ☐ Pond/lake

Biodiversity and Geological Conservation

Is there a reasonable likelihood of the following being affected adversely or conserved and enhanced within the application site, or on land adjacent to or near the application site?

To assist in answering this question correctly, please refer to the help text which provides guidance on determining if any important biodiversity or geological conservation features may be present or nearby; and whether they are likely to be affected by the proposals.

a) Protected and priority species

- ☐ Yes, on the development site
- ☐ Yes, on land adjacent to or near the proposed development
- ☒ No

b) Designated sites, important habitats or other biodiversity features

- ☐ Yes, on the development site
- ☐ Yes, on land adjacent to or near the proposed development
- ☒ No

c) Features of geological conservation importance

- ☐ Yes, on the development site
- ☐ Yes, on land adjacent to or near the proposed development
- ☒ No

Supporting information requirements

Where a development proposal is likely to affect features of biodiversity or geological conservation interest, you will need to submit, with the application, sufficient information and assessments to allow the local planning authority to determine the proposal.

Failure to submit all information required will result in your application being deemed invalid. It will not be considered valid until all information required by the local planning authority has been submitted.

Your local planning authority will be able to advise on the content of any assessments that may be required.

Biodiversity net gain

Biodiversity net gain is a legal requirement for planning permission introduced on 12 February 2024. All applications are required to either provide detailed information proving there will be a biodiversity increase; or explain why the requirement does not apply to the development.

Do you believe that, if the development is granted permission, the general Biodiversity Gain Condition (as set out in [Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 \(as amended\)](#)) would apply?

- ☐ Yes
- ☒ No

Biodiversity net gain has been introduced as a general condition for planning permission. As set out in [The Environment Act 2021](#): "grants of planning permission in England [are] to be subject to a condition to secure that the biodiversity gain objective is met". Therefore, in England, all planning permissions are generally subject to biodiversity gain rules, unless they are specifically exempt or out of scope.

If you have stated that the biodiversity net gain requirement does not apply to your application you must provide the reason(s) why, and may also need to supply evidence (especially where you believe the application is eligible for the 'de minimis' exemption).

Please add all the reasons why biodiversity net gain does not apply and enter a justification for each one

Reason biodiversity net gain does not apply:

Self-build and custom build development

Are you building more than nine houses?:

No

Is the total size over 0.5 hectares?:

No

Do all buildings meet the definition of self-build or custom housebuilding as set out in [section 1\(A1\) of the Self-build and Custom Housebuilding Act 2015](#)?:

Yes

Does your Local Planning Authority require applicants for self-build and custom-build development to evidence their eligibility?:

No

Please justify the reason why biodiversity net gain does not apply:

Caravan pitches not houses

Note: Please read the help text for further information why developments may be exempt or not in scope.

Foul Sewage

Please state how foul sewage is to be disposed of:

- ☐ Mains sewer
- ☐ Septic tank
- ☐ Package treatment plant
- ☐ Cess pit
- ☒ Other
- ☐ Unknown

Other

Self contained caravans

Are you proposing to connect to the existing drainage system?

- ☐ Yes
- ☒ No
- ☐ Unknown

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste?

- ☐ Yes
- ☒ No

Have arrangements been made for the separate storage and collection of recyclable waste?

- ☐ Yes
- ☒ No

Trade Effluent

Does the proposal involve the need to dispose of trade effluents or trade waste?

- ☐ Yes
☒ No

Residential/Dwelling Units

Does your proposal include the gain, loss or change of use of residential units?

- ☒ Yes
☐ No

Please note: This question is based on the current housing categories and types specified by government.

If your application was started before 23 May 2020, the categories and types shown in this question will now have changed. We recommend that you review any information provided to ensure it is correct before the application is submitted.

Proposed

Please select the housing categories that are relevant to the proposed units

- ☐ Market Housing
☐ Social, Affordable or Intermediate Rent
☐ Affordable Home Ownership
☐ Starter Homes
☒ Self-build and Custom Build

Self-build and Custom Build

Please specify each type of housing and number of units proposed

Housing Type:

Other

1 Bedroom:

0

2 Bedroom:

0

3 Bedroom:

0

4+ Bedroom:

0

Unknown Bedroom:

9

Total:

9

Proposed Self-build and Custom
Housing Category Totals

1 Bedroom Total

0

2 Bedroom Total

0

3 Bedroom Total

0

4+ Bedroom

Total

0

Unknown

Bedroom Total

9

Total

9

Existing

Please select the housing categories for any existing units on the site

- ☐ Market Housing
- ☐ Social, Affordable or Intermediate Rent
- ☐ Affordable Home Ownership
- ☐ Starter Homes
- ☐ Self-build and Custom Build

Totals

Total proposed residential units

9

Total existing residential units

0

Total net gain or loss of residential units

9

All Types of Development: Non-Residential Floorspace

Does your proposal involve the loss, gain or change of use of non-residential floorspace?

Note that 'non-residential' in this context covers all uses except Use Class C3 Dwellinghouses.

- ☐ Yes
- ☒ No

Employment

Are there any existing employees on the site or will the proposed development increase or decrease the number of employees?

- ☐ Yes
- ☒ No

Hours of Opening

Are Hours of Opening relevant to this proposal?

- ☐ Yes
- ☒ No

Industrial or Commercial Processes and Machinery

Does this proposal involve the carrying out of industrial or commercial activities and processes?

- ☐ Yes
- ☒ No

Is the proposal for a waste management development?

- ☐ Yes
- ☒ No

Hazardous Substances

Does the proposal involve the use or storage of Hazardous Substances?

- ☐ Yes
☒ No

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ☒ Yes
☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☐ The agent
☒ The applicant
☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ☐ Yes
☒ No

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
(b) an elected member
(c) related to a member of staff
(d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- ☐ Yes
☒ No

Ownership Certificates and Agricultural Land Declaration

Certificates under Article 14 - Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Please answer the following questions to determine which Certificate of Ownership you need to complete: A, B, C or D.

Is the applicant the sole owner of all the land to which this application relates; and has the applicant been the sole owner for more than 21 days?

- ☒ Yes
☐ No

Is any of the land to which the application relates part of an Agricultural Holding?

☐ Yes

☒ No

Certificate Of Ownership - Certificate A

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding**

* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.

** "agricultural holding" has the meaning given by reference to the definition of "agricultural tenant" in section 65(8) of the Act.

NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.

Person Role

☒ The Applicant

☐ The Agent

Title

Mr

First Name

Surname

Smith

Declaration Date

26/09/2025

☒ Declaration made

Declaration

I/We hereby apply for Full planning permission as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

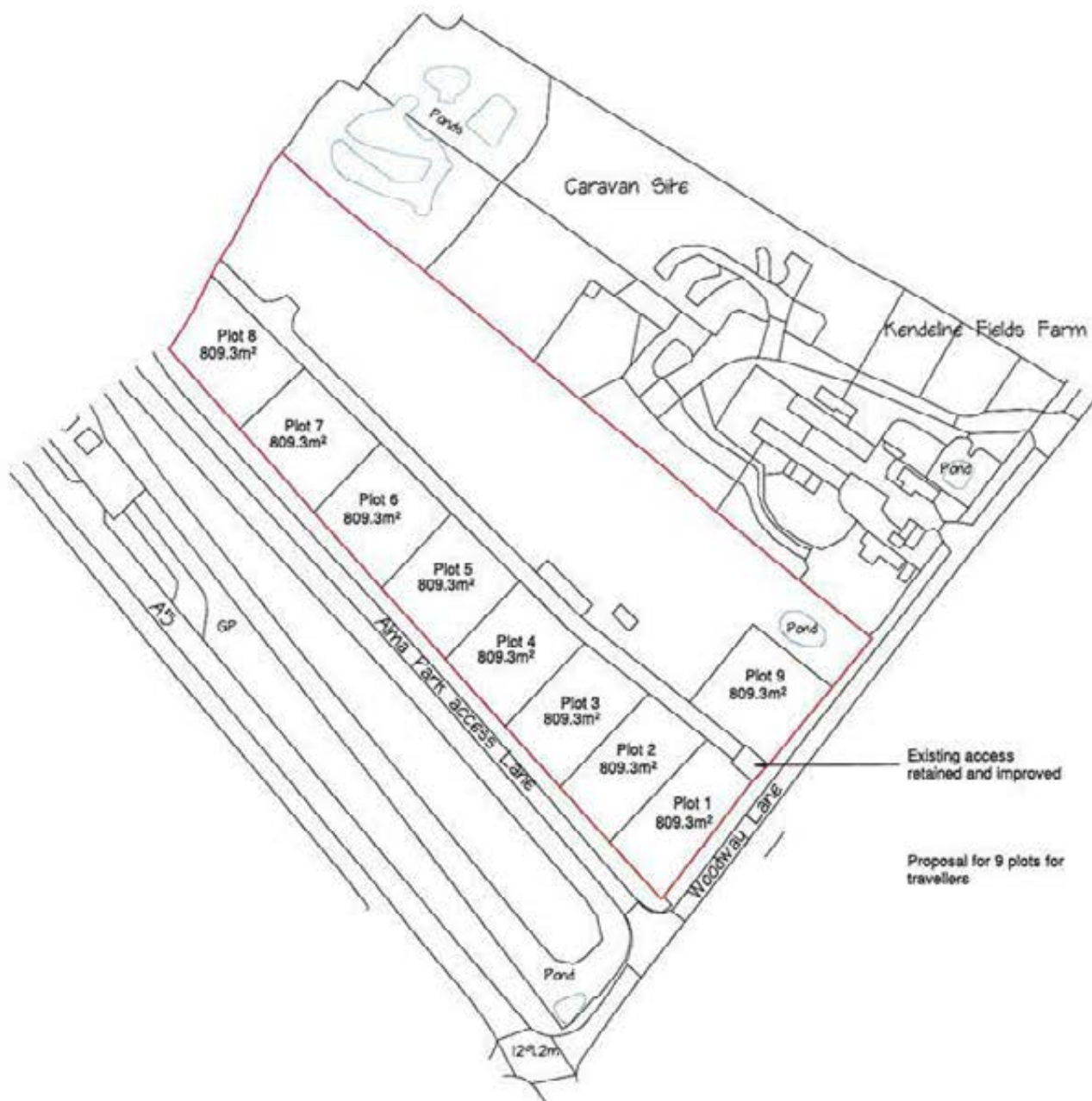
☒ I / We agree to the outlined declaration

Signed

Zoe Massey

Date

26/09/2025



Existing access retained and improved

Proposal for 9 plots for travellers



SCALE 1:1250 @ A3

Woodway Lane
Lutterworth
LE17 5BH

Proposed travellers pitches

Scale 1:1250

IN THE HIGH COURT OF JUSTICE
KINGS BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

Claim Number:

B E T W E E N:

HARBOROUGH DISTRICT COUNCIL

(Claimant)

-and-

(1) MR HENRY BEENY

(2) MR PATRICK HARTY

**(3) PERSONS UNKNOWN RESIDENTIALLY OCCUPYING OR
UNDERTAKING DEVELOPMENT AS DEFINED BY SECTION 55 OF THE
TOWN AND COUNTRY PLANNING ACT 1990 TO THE LAND ON WOODWAY
LANE TO THE SOUTH WEST OF CLAYBROOKE PARVA**

(Defendants)

Exhibit MJB08

Exhibit MJB08. Woodway Lane site visit photos – taken by Michaela Barton on 1st October 2025



Plot 9 as shown on plan attached as Exhibit MJB06.



Plot 1 as shown on plan attached as Exhibit MJB06.



Plot 3 as shown on plan attached as Exhibit MJB06.



Plots 2 – 8 as shown on plan attached as Exhibit MJB06.



New track installed through the centre of the site to access individual pitches on the left hand side and paddock land on the right.



Existing stables and land to be retained for use as a paddock.

IN THE HIGH COURT OF JUSTICE
KINGS BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

Claim Number:

B E T W E E N:

HARBOROUGH DISTRICT COUNCIL

(Claimant)

-and-

(1) MR HENRY BEENY

(2) MR PATRICK HARTY

**(3) PERSONS UNKNOWN RESIDENTIALLY OCCUPYING OR
UNDERTAKING DEVELOPMENT AS DEFINED BY SECTION 55 OF THE
TOWN AND COUNTRY PLANNING ACT 1990 TO THE LAND ON WOODWAY
LANE TO THE SOUTH WEST OF CLAYBROOKE PARVA**

(Defendants)

Exhibit MJB09

Exhibit MJB08. Woodway Lane site visit photos – taken by Michaela Barton on 13th October 2025



Plot 1 as shown on plan attached as Exhibit MJB06.



Plot 2 as shown on plan attached as Exhibit MJB06.



Plot 3 as shown on plan attached as Exhibit MJB06.



Plots 4 and 5 as shown on plan attached as Exhibit MJB06.



Plot 5 as shown on plan attached as Exhibit MJB06.



Plot 6 as shown on plan attached as Exhibit MJB06.



Plot 7 as shown on plan attached as Exhibit MJB06.

IN THE HIGH COURT OF JUSTICE
KINGS BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

Claim Number:

B E T W E E N:

HARBOROUGH DISTRICT COUNCIL

(Claimant)

-and-

(1) MR HENRY BEENY

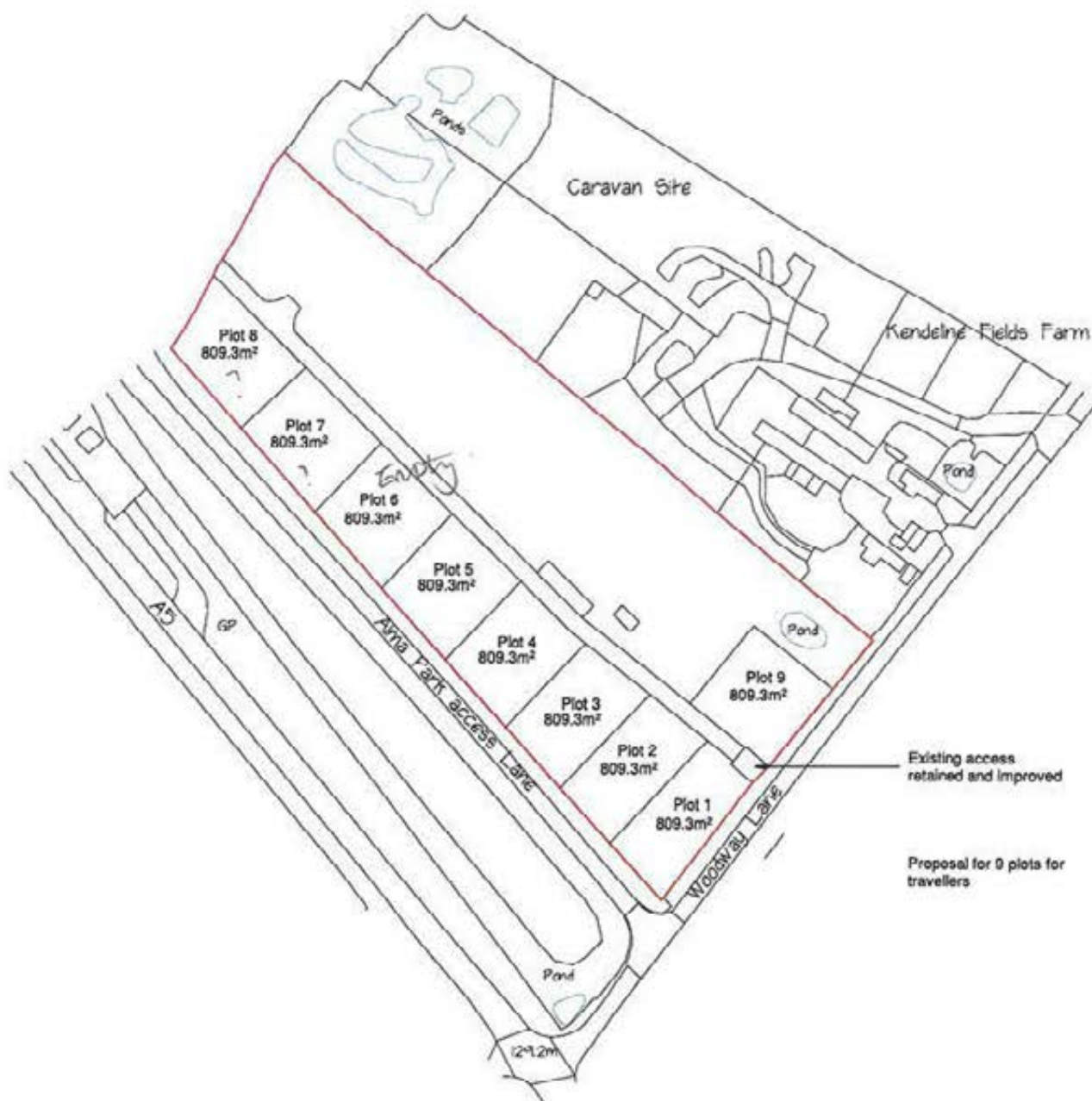
(2) MR PATRICK HARTY

**(3) PERSONS UNKNOWN RESIDENTIALLY OCCUPYING OR
UNDERTAKING DEVELOPMENT AS DEFINED BY SECTION 55 OF THE
TOWN AND COUNTRY PLANNING ACT 1990 TO THE LAND ON WOODWAY
LANE TO THE SOUTH WEST OF CLAYBROOKE PARVA**

(Defendants)

Exhibit MJB10

SV
13/10.



- 1 - 2 x mobile homes + 1 camper van - appears occupied (Patrick Harby)
- 2 - 1 x caravan/mobile home - unsure if occupied?
- 3 - 3 x mobile homes - appears occupied?
- 4 - 1 x static - not sure if occupied?
- 5 - 2 x mobile homes - appear occupied
- 6 - empty
- 7 - 1 x mobile home - unsure if occupied
- 8 - no access but appears empty
- 9 - 1 x mobile home - occupied by Henry Beany



0m 25m 50m 75m 100m 125m
SCALE 1:1250 @ A3

Woodway Lane
Lutterworth
LE17 5BH
Proposed travellers pitches
Scale 1:1250

IN THE HIGH COURT OF JUSTICE
KINGS BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

Claim Number:

B E T W E E N:

HARBOROUGH DISTRICT COUNCIL

(Claimant)

-and-

(1) MR HENRY BEENY

(2) MR PATRICK HARTY

**(3) PERSONS UNKNOWN RESIDENTIALLY OCCUPYING OR
UNDERTAKING DEVELOPMENT AS DEFINED BY SECTION 55 OF THE
TOWN AND COUNTRY PLANNING ACT 1990 TO THE LAND ON WOODWAY
LANE TO THE SOUTH WEST OF CLAYBROOKE PARVA**

(Defendants)

Exhibit MJB11

Exhibit MJB11 – Site visit photos and notes taken by Michaela Barton on 21st October 2025



Plot 1 – occupied by Patrick Harty, confirmed by him.



Tree/hedge works taking place to Plot 1.





Plot 2 – I was advised by Henry Beeny and Chris Casey that this plot will be occupied shortly by a member of the Connors family.

Plot 3 in the background of the photo, I was advised by Henry Beeny and Chris Casey that this is being occupied by members of the Lee family.



Plot 4 – I was advised by Henry Beeny and Chris Casey that this plot will be occupied shortly by members of the Lee and Connors family.



Plot 5 – I was advised by Henry Beeny and Chris Casey that this plot will be occupied shortly by members of the Boswell family.



Plot 6 – I was advised by Henry Beeny and Chris Casey that this plot will be occupied shortly by members of the Lee family.



Plots 7 and 8 – I was advised by Henry Beeny and Chris Casey that this is a double plot and is currently occupied by members of the Lee family.



Plot 9 - occupied by Henry Beeny, confirmed by him.







Areas of previous paddock land have been enclosed by close board fencing with hardcore placed on the land.



Trees/hedges removed from the bottom of the site opposite Plots 7 and 8





Second access point from the road to the rear of the site has been created. This area of the land has been named 'Woodway Stables' which is a different name from 'Woodway Park', the main site. Existing mature hedgerow has been removed to facilitate this access and at least one pond infilled.



Original access to the Land created on the weekend of 26th/27th September 2025.

IN THE HIGH COURT OF JUSTICE
KINGS BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY

Claim Number:

B E T W E E N:

HARBOROUGH DISTRICT COUNCIL

(Claimant)

-and-

(1) MR HENRY BEENY

(2) MR PATRICK HARTY

**(3) PERSONS UNKNOWN RESIDENTIALLY OCCUPYING OR
UNDERTAKING DEVELOPMENT AS DEFINED BY SECTION 55 OF THE
TOWN AND COUNTRY PLANNING ACT 1990 TO THE LAND ON WOODWAY
LANE TO THE SOUTH WEST OF CLAYBROOKE PARVA**

(Defendants)

Exhibit MJB12

Appeal Decisions

Site visit made on 17 December 2024

by **D Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 JANUARY 2025

Appeal A Ref: APP/F2415/C/24/3343384

Land at Bowden Lane, Welham, Leicestershire, LE16 7UX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Jamie Smith against an enforcement notice issued by Harborough District Council.
 - The notice was issued on 13 March 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use of the Land to a Sui Generis use comprising of a residential Gypsy and Traveller site; the stationing of caravans, a day room and parking of associated vehicles on the Land; and unauthorised operational development, comprising of the laying of hardcore which facilitate the change of use, along with the erection of a barn building ("the Unauthorised Development").
 - The requirements of the notice are to (i) cease the unauthorised residential use of the Land as a Gypsy and Traveller caravan site, (ii) permanently remove from the Land all caravans (including static caravans), associated vehicles and domestic paraphernalia; permanently remove from the Land all associated works and operational development undertaken to facilitate the unauthorised use referred to in 5(i) above, including but not limited to hardcore, road planings, and surfacing materials, (iv) dismantle and remove from the Land the newly erected day room and barn building, (v) remove all refuse and waste materials to include any generated by compliance with steps ii and iv above from the Land and dispose of at a licensed waste transfer site, and (vi) reinstate the Land to its lawful equestrian use.
 - The period for compliance with the requirements is 9 calendar months for requirements (i) and (ii) and 12 calendar months for requirements (iii), (iv) and (vi).
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f), (g) of the Town and Country Planning Act 1990 (as amended). 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.
-

Appeal B Ref: APP/F2415/W/24/3342250

Land at Bowden Lane, Welham, Leicestershire, LE16 7UX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Jamie Smith against the decision of Harborough District Council.
 - The application reference is 23/01636/FUL.
 - The development proposed is change of use of land for siting of 1 mobile home, dayroom, and hardstanding to provide 1 no. Gypsy and Traveller pitch (revised scheme of 22/01238/FUL) part retrospective.
-

Appeal C Ref: APP/F2415/C/24/3343386

Land at Bowden Lane, Welham, Leicestershire, LE16 7UX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Ruben Arrowsmith against an enforcement notice issued by Harborough District Council.
- The notice was issued on 13 March 2024.

- The breach of planning control as alleged in the notice is without planning permission, the material change of use of the Land to a Sui Generis use comprising of a residential Gypsy and Traveller site; the stationing of caravans and parking of associated vehicles on the Land; and unauthorised operational development, comprising of the laying of hardcore which facilitate the change of use ("the Unauthorised Development").
- The requirements of the notice are to (i) cease the unauthorised residential use of the Land as a Gypsy and Traveller caravan site; (ii) permanently remove from the Land all caravans (including static caravans), associated vehicles and domestic paraphernalia; (iii) permanently remove from the Land all associated works and operational development undertaken to facilitate the unauthorised use referred to in 5(i) above, including but not limited to hardcore, road planings, and surfacing materials; (iv) remove all refuse and waste materials, to include any generated by compliance with steps ii and iii above from the Land and dispose of at a licensed waste transfer site, and (v) reinstate the Land to its lawful equestrian use.
- The period for compliance with the requirements is 9 calendar months for requirements (i) and (ii) and 12 calendar months for requirements (iii), (iv) and (v).
- The appeal is proceeding on the ground set out in section 174(2) (a), (f), (g) of the Town and Country Planning Act 1990 (as amended). 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.

Appeal D Ref: APP/F2415/W/24/3342312

Land at Bowden Lane, Welham, Leicestershire, LE16 7UX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Ruben Arrowsmith against the decision of Harborough District Council.
- The application reference is 23/01482/FUL.
- The development proposed is Change of use of land for siting of 1 mobile home with ramp access to provide 1 no. Gypsy and Traveller pitch (revised scheme of 22/01237/FUL).

Decisions

Appeal A Ref: APP/F2415/C/24/3343384

1. It is directed that the enforcement notice be varied by deleting all the words in section 6 and substituting them with "*For requirement (i) and (ii) above: 12 months following the date this notice takes effect and for requirement (iii), (iv), (v) and (vi) above: 15 calendar months following the date this notice takes effect*". Subject to the variations, the appeal is dismissed, and 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.

Appeal B Ref: APP/F2415/W/24/3342250

2. The appeal is dismissed.

Appeal C Ref: APP/F2415/C/24/3343386

3. It is directed that the enforcement notice be varied by deleting all the words in section 6 and substituting them with "*For requirement (i) and (ii) above: 12 months following the date this notice takes effect and for requirement (iii), (iv) and (v) above: 15 calendar months following the date this notice takes effect*". Subject to the variations, the appeal is dismissed, and 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.

Appeal D Ref: APP/F2415/W/24/3342312

4. The appeal is dismissed.

Preliminary Matters

5. The description of development on the planning application form for Appeal B states '*this will be a dayroom/bungalow to provide better accessibility for applicant's wife. It will be a single storey 2 bed structure to replace the existing stables. There is also a concrete base for a static mobile home*'. In the interests of precision, I have taken the description of development from the Council's refusal notice and appellant's appeal form in the banner heading above.
6. The description of development on the planning application form for Appeal D states '*change of use of land for siting of 1 mobile home to provide 1 no. Gypsy and Traveller pitch*'. In the interests of precision, I have taken the description of development from the Council's refusal notice and appellant's appeal form in the banner heading above.
7. Appeals A and B relate to the same site which is referred to by the appellant as '*Stable View*'. Appeals C and D relate to the same site which is referred to by the appellant as '*Cosy Corner Stables*'. The two sites are positioned alongside one another. The evidence indicates that there is some family interdependency across the two sites.
8. The National Planning Policy Framework was revised in December 2024 (the 2024 Framework). This replaces the previous version of the National Planning Policy Framework published in December 2023. Moreover, the Government's Planning Policy for Traveller Sites was also revised in December 2024 (the 2024 PPTS) and this replaces the Planning Policy for Travellers Sites dated August 2015 (amended December 2023). I afforded the main parties the opportunity to comment on the implications of the 2024 PPTS and the 2024 Framework. I have considered the comments received as part of the determination of this appeal.
9. Of relevance to Appeals A and B (Stable View) is a dismissed appeal¹, dated 12 October 2023, which I considered under section 78 of the Act and was lodged by the same appellant. This related to use of the same land at Stable View for the change of use of the land for the siting of 1 mobile home to provide 1 No. Gypsy and Traveller pitch. The appeal decision is a material consideration of significant weight as part of the consideration of Appeals A (ground (a) appeal) and B. The main issues under consideration for the 2023 appeal related also to the risk of flooding and whether the site was sustainably located. In dismissing such an appeal, I reached a balanced decision having regard to matters such as the personal circumstances of the family on the land, the need and provision of Gypsy and Traveller pitches in the area, the lack of alternative available sites, the best interests of the children on the site, and health/disability considerations.
10. I noticed on my site visit that a wooden building had been erected on the Cosy Corner Stables site which included washing facilities, a shower, and a room with a television. This building is not under consideration in respect of appeals C and D. Nonetheless, it is understood that it is unauthorised. There was a

¹ Appeal reference APP/F245/W/22/3313559

stable building positioned close to the mobile home. The main parties pointed out and agreed on the site visit that this was lawful.

Reasons

Appeals A & B - ground (a) appeal and section 78 appeal

Main Issues

11. The appeal made under ground (a) of section 174(2) of the Act (Appeal A) is that planning permission ought to be granted in respect of the breach of planning control alleged in the notice. The reasons for issuing the notice and the reasons for refusing planning permission (Appeal B) are essentially the same, save for the 'barn building' element of the notice which is not considered to be acceptable by the Council for solely flood risk reasons. Indeed, a planning application has previously been considered by the Council for the erection of a barn on the land.²
12. The main issues for consideration are therefore (i) the risk of flooding, (ii) whether the site is sustainably located and accords with Policy H6(5)(b) of the adopted 2019 Harborough Local Plan 2011-2031 (LP), and (iii) if planning harm has been/would be caused, whether this is outweighed by other considerations sufficient to justify the grant of planning permission.

Risk of Flooding

13. I turn first to use of the identified land at Stable View as a Gypsy and Traveller residential caravan site. The appellant has submitted an updated Flood Risk Assessment prepared by STM Environmental (FRA –2021– 000168 Updated November 2023, Version 2) which I have considered, and this has also been reviewed by the Environment Agency. It is noteworthy that the FRA has been prepared to '*support a planning application for the construction of a single storey dayroom*' and so it does not relate to the siting of the residential caravans on the land. In this regard, it does not offer a comprehensive FRA for all development on the land, and this is indeed a point that has been raised by the Environment Agency (EA).
14. I am not certain why the appellant has also submitted a flood risk assessment for 'Wild Meadow Farm' dated August 2007, but this is out of date and so I have focussed my assessment on the more up-to-date flood risk assessment for the land and the representations made by the EA which are based on up-to-date flood risk mapping and modelling data.
15. The EA has also responded to the appellant's statement of case for Appeal B including comments made by him about the risk of flooding. I have taken the appeal representation from the Environment Agency into account, including the associated attachments, as part of the consideration of Appeals A and B.
16. The EA mapping shows that the appeal site is within flood zone 3. It is within the River Welland catchment floodplain (Flood Zone 3a) and the Stonton Brook floodplain (Flood Zone 3b). The land is defined by the Planning Practice Guidance (PPG) as having a high probability of flooding, i.e., greater than 1 in 100 (1%) annual probability of flooding. The site falls within functional

² Planning application reference 23/01180/FUL

floodplain. The PPG identifies functional floodplain as land which would naturally flood within an annual exceedance probability flood event of 3.3% greater in any year.

17. Caravans and mobile homes intended for permanent residential use are classified in the PPG and annex 3 of the National Planning Policy Framework 2023 (the Framework) as a '*highly vulnerable*' form of development. It is noteworthy that the EA has commented that the area has historical flooding records at the site, including flooding in 1998.
18. Table 2 of the Flood Risk and Coastal Change chapter of the PPG states that planning permission should '*not be permitted*' for highly vulnerable development in flood zone 3. The site is within flood zone 3 and use of it for residential purposes is a highly vulnerable form of development. The evidence is that the day room building on the land is being used to provide an accessible space to the appellant's wife who has a disability and receives support from health care professions. In this regard, I find that it is intended for permanent residential use. The caravans and day room fall within the highly vulnerable flood risk category. In this regard, the development fails to accord with the flood risk requirements of the Framework or the PPG. Given the clear policy position above, I find that the development should not be permitted. The occupiers of the proposed development would be at unacceptable risk from flooding. The view is also reached by the Environment Agency (EA).
19. The FRA includes a Flood Warning and Emergency Plan (FWEP) which indicates that the occupiers would subscribe to the EA flood warning direct service which would provide two-hour flood warnings by telephone, email, or facsimile.
20. The FWEP also includes mitigation measures relating to matters such as the use of sandbags, temporary barriers, drainage, gas and electricity, safe storage of records and insurance. It also states that safe egress to Flood Zone 1 would be available by a three-minute drive to Thorpe Langton. The evidence is that the mobile home would be positioned on a concrete pad 300 mm above ground level and fixed to an anchor point, and that rainwater tanks would provide attenuation in terms of the loss of permeable land arising from the siting of the mobile home.
21. I am not persuaded that the FWEP would reasonably ensure the safety of occupiers of the site in the event of a flood. It remains possible that the occupiers of the site may not receive flood warnings in time, either because they are sleeping, or owing to the failure of technology. If this were to happen, the occupiers of the site may be stranded given that the evacuation route may be flooded. Furthermore, the safety of members of the emergency services may be put at risk in this situation.
22. The appellant contends that an embankment on the west bank of Stockton Brook would limit flows in the event of a flood and hence the site would unlikely be flooded. The evidence is not persuasive in terms of this matter and I have no reason to disagree with the view expressed by the EA that 'any high ground in this location is a result of historic dredging and is not considered a formal defence and may not be able to withstand the weight of water should a flood event occur'.

23. The appellant states that based on the EA's long terms flood risk maps, the site is in an area of medium risk. The evidence does not support this view and in fact the evidence is that the site is in an area of high risk of flooding. I find that the FRA does not adequately consider the upstream nodes or consider the overland flow route to the north of Great Bowden Lane. While it is acknowledged that finished floor levels would/could be set 150mm above existing ground level only water compatible developments are considered appropriate in flood zone 3b.
24. The EA considers that land levels have been raised and that they may have been raised again after 2022. They state that this would account for the discrepancies identified in the FRA. I do not know with absolute certainty if this has occurred, but, if it has then the FRA does not deal with floodplain compensation in association with the development. If this has happened, then it would be a matter that would justify refusing planning permission as any such change in land levels may put other developments within the functional floodplain at further risk of flooding.
25. I turn now to the barn building which is also the subject of Appeal A. This is classified as '*less vulnerable*' (i.e., land and buildings used for agriculture and forestry) in table 2 of the PPG and annex 3 of the Framework. As the site falls within functional floodplain (zone 3b) table 2 states that such development should '*not be permitted*'. Moreover, I have not been provided with a detailed mitigation strategy to address the effects of the barn building on functional floodplain. In this regard, I cannot conclude that the development has not led to the increased risk of flooding both on the site and elsewhere as a result of the development occurring on functional floodplain.
26. The FRA (including the FWEP) does not lead me to reach a conclusion that the development that is the subject of appeals A and B would be safe for its lifetime. Furthermore, and, in any event, both the Framework and the PPG make it clear that highly vulnerable and less vulnerable development in this location should '*not be permitted*'. The risk of flooding is such that it would pose a danger to occupiers of the site and to the emergency and local services in the event of the need for an evacuation. I therefore conclude that the development does not accord with the flood risk requirements of policies CC3 and H6(5)(g)(iv) of the LP, chapter 14 of the Framework, and the PPG.

Whether Sustainably Located and Policy H6 of the LP

27. The appeal site is in an area of countryside which is a significant distance away from a reasonable level of day-to-day services and amenities. The very small settlements of Welham and Weston by Welland include a very limited range of services, but even the journey to the heart of these areas would be via the long and narrow Bowden Lane which is devoid of footpaths and is unlit. Hence, walking would be discouraged on a regular basis. The distances involved to settlements where there is a greater range of day-to-day facilities and services, such as Great Bowden or Market Harborough, are such that regular walking would not be likely and, furthermore, the routes to such settlements are again along highways which are unlit and do not include continuous footways.
28. There is no evidence before me of any bus stops or services near the appeal site. Owing to the distances involved, and the absence of streetlights, occupiers of the site would be unlikely to use bicycles on a regular basis to reach

settlements such as Market Harborough or Great Bowden. Indeed, I do not consider that these roads provide the sort of safe environment, particularly in the hours of darkness or when there is inclement weather, which is conducive to frequent walking (or indeed cycling) to a settlement.

29. I recognise that traffic survey information suggests that Bowden Lane has a peak hourly flow of two vehicles and a total of less than 100 vehicles per day (based on a 2022 survey), but nonetheless the potential for conflict between pedestrians and vehicles still exists should occupiers of the site decide to walk in Bowden Lane. I find that there is conflict with policy H6(5)(b) of the LP which requires Gypsy and Traveller sites to be within '*a safe walking distance of settlement*'.
30. I acknowledge that paragraph 110 of the 2024 Framework states that '*opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making*'. In this case, however, the regular potential to access an acceptable level of amenities and services in surrounding settlements, on foot or by bicycle, would be significantly inhibited for the reasons outlined above. Furthermore, the evidence does not indicate that there are suitable opportunities available for occupiers of the site to use public transport to access settlements which contain a reasonable level of day-to-day amenities and services.
31. The appellant states that it would be possible to use taxis to reach settlements and that grocery shopping could take place using home delivery services. While this type of living is of course possible, it would still likely involve motorised trips which would have the potential to lead to similar environmental harm. In any event, I am not persuaded that occupiers of the site would seek to rely on the use of taxis for all journeys and while home grocery deliveries may be possible, other trips would be necessary for the family on a day-to-day basis relating to school, leisure, and recreational activities.
32. I therefore find that the evidence indicates that car dependency would be very likely for access to day-to-day activities and, in this regard, there would be direct conflict with policy H6(5)(b) of the LP which states that Gypsy and Traveller sites will be permitted where '*the site is located within safe walking distance to a settlement and has access to a range of services including health and education provision*'. In this regard, I do not therefore find that the appeal site is in a sustainable location even accounting for the above flexible approach to addressing sustainable transport and accessibility matters as outlined in the Framework.
33. For the above reasons, I conclude that the proposal would not accord with the sustainable and accessibility requirements of policies GD1 and H6 of the LP and the Framework. This is a matter that weighs against allowing the appeal and, indeed, reflects the control advocated in paragraph 26 of the 2024 PPTS which is that '*local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan*'. Notwithstanding the views expressed by the appellant, I find that the site is 'away from' settlements for the purposes of determining the appeals.

34. In reaching this conclusion, I have considered the 2024 PPTS which does not specifically include reference to distance from or means of transport to shops and services. Nonetheless, the 2024 PPTS requires planning applications to be determined against criteria-based development plan policies for Gypsies and Travellers. While a settled base may mean that there was less travel when compared to a roadside existence, I do not consider, as detailed later in this decision, that a roadside existence need be an inevitable outcome if this appeal were to be dismissed. In any event, I do not find that the proposal would accord with policy H6 of the LP. It is not located in safe walking distance to a settlement and the evidence is that access to a range of services including health and education provision would, on a day-to-day basis, be private motor vehicle focussed. The conflict with Policy H6 of the LP and the 2024 Framework is an overriding matter in respect of this main issue.

Other Considerations

35. The evidence is that the appellant is married, has four children living on the site, and previously lived on a Traveller pitch at 'Greenacres' which belonged to another family. While not entirely certain, the evidence in the October 2023 appeal decision pointed to the likelihood of the appellant and his family needing to vacate 'Greenacres' when the other family returned.
36. There is no dispute that the appellant is a Traveller in PPTS terms. This was indeed a finding that I reached when I considered the planning appeal on the land in October 2023. In this regard, I have had regard to Article 8 of the European Convention on Human Rights, as incorporated into the Human Rights Act 1998 (HRA), which states that everyone has a right to respect for private and family life, their home and correspondence. This is a qualified right, whereby interference may be justified in the public interest, but the concept of proportionality is crucial.
37. The Gypsy and Traveller Accommodation Assessment for Leicester and Leicestershire 2017 (2017 GTAA) identifies a need for Gypsy and Traveller pitches in the area for 2016-2031. It identifies a need for five pitches relating to Gypsies/Travellers in accordance with the definition in annex 1 of the PPTS. The Harborough District Authority Monitoring Report 2021/22 states that four of these five pitches have already been provided. In addition, Policy H6 of the LP allocates sites for Gypsies and Travellers and there is also 'reserve site' at Boneham's Lane, Gilmorton to meet future accommodation needs due to either an increase in the need of pitches arising from a change to the PPTS definition and/or sufficient evidence is provided that the identified 'unknown' Gypsy and Traveller population does not meet the PPTS definition of Gypsy and Traveller.
38. Policy H6 of the LP states that the need arising from non-PPTS definition Gypsies and Travellers, and 'unknown' Gypsies/Travellers, is identified as being respectively 24 pitches and 13 pitches. The Court of Appeal judgement of *Smith v SSLUHC & Ors* (2022) EWCA held that the PPTS definition of Gypsy and Travellers is discriminatory in so far that it does not include persons of nomadic habitat of life who, on the grounds of their own or family's dependants' educational or health needs or old age, have ceased to travel permanently.
39. In the context of the above, I find that when the full extent of non-PPTS definition need is considered, the evidence does not indicate that the local

planning authority (LPA) can demonstrate a five-year supply of deliverable Gypsy and Traveller pitches. Indeed, and, in this regard, the LPA's own data in the form of the '*pitch requirements and supply document*', dated 12 October 2023, indicates 4.12 years supply for 2022-2027. This relies on the provision of pitches from the LP 'reserve' site. However, the evidence is not certain about whether Gypsy/Traveller pitches would be capable of being delivered on this site in the next five years. This adds additional uncertainty about the five-year supply position. The LPA has indicated that if pitches could not be provided on the reserve site within the next five years, the supply position would be 1.38 years.

40. I do not find that the evidence demonstrates that the LPA can demonstrate a five-year supply of deliverable Gypsy/Traveller pitches when a non-discriminatory approach to need and supply is considered. I find that the actual supply position is not entirely certain for the reasons outlined above and, in addition, the 2017 GTAA has not been reviewed for several years thereby resulting in further uncertainty in terms of whether the need for Gypsy and Traveller pitches has changed.
41. Paragraph 28 of the 2024 PPTS states that '*if a local planning authority cannot demonstrate an up-to-date 5-year supply of deliverable sites, the provisions in paragraph 11(d) of the National Planning Policy Framework apply*'. I find that the LPA is not able to demonstrate a deliverable five-year supply of Gypsy/Traveller sites. This is the same position that I reached in terms of my October 2023 appeal decision, and this has not been disputed by the Council as part of Appeals A and B.
42. However, and while I afford positive weight to the provision of the Gypsy and Traveller site in the context of an undersupply position, the presumption in favour of sustainable development is not engaged in this case given paragraph 11(d)(ii) of the 2024 Framework which states that it does not apply where '*the application for policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing development proposed*'. Given my conclusion in respect of the flood risk main issue, and considering footnote 7 of the 2024 Framework, I find that this constitutes a strong reason for refusing the development.
43. The LPA has not indicated that there are currently any alternative available Gypsy and Traveller pitches in the area to accommodate the family. While there is no requirement for the appellant to demonstrate that there are no alternative available pitches in the area, the LPA does not dispute what the appellant says about this matter. This is therefore a matter which weighs in favour of allowing the appeals. Furthermore, I attribute some positive weight to the fact that the proposal would make more effective use of a previously developed site in accordance with paragraph 26(a) of the PPTS.
44. I am mindful that Article 3(1) of the United Nations Convention on the Rights of the Child provides that the best interests of the child shall be a primary consideration in all actions by public authorities concerning children. The appellant has a number of children. The needs of the children must in law be a primary consideration in the determination of these appeals.
45. The evidence is that the appellant's children are of school age and attend local schools. I do not doubt that a settled base provides educational and emotional

stability for the children. This is therefore a matter to which I afford positive weight in favour of allowing the appeals. However, this is tempered to some extent as it may be possible for the appellant to secure planning permission on a new and alternative site which is outside of Flood Zone 3 (and accords with policy) and still allow the children to attend local schools. I reached this conclusion as part of my October 2023 appeal decision, and it is noteworthy that the appellant has not responded to this matter.

46. I note that in the October 2023 appeal, it was stated that the appellant and his family were registered with local health providers. I have no reason to doubt that this has changed. This provides some stability and certainty for the family in terms of health care. However, this is not a matter to which I afford very significant weight in favour of allowing the appeals, as there is no evidence before me to indicate why it would not be possible to explore the potential to secure planning permission on another site in the area, fully according with the requirements of policy H6 of the LP, while also continuing to benefit from health providers.
47. The evidence is that the appeal site includes previously developed land. This is a matter to which I afford positive weight in the overall planning balance considering paragraph 27a of the 2024 PPTS.
48. The appellant states that the day room is needed to accommodate his wife's health care requirements. It includes level access at the front door to allow easy access in and out and a wheelchair accessible bathroom. The remainder of the space is an open plan living room and kitchen. I do not doubt that the day room offers the appellant's wife a more comfortable and accessible space when compared to the mobile home, and that it also offers ease of access for health care works. It is clear from the evidence that the appellant's wife is undergoing treatment for a specified health condition that constitutes a disability from the point of view of long term and substantial effects on the ability to carry out normal day to day activities. For the purposes of this appeal, I have therefore considered this matter in respect of the requirements of the Equality Act 2010.
49. In respect of the above, I have had due regard to the Public Sector Equality Duty (PSED) contained in 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 and foster good relations between people who share a protected characteristic and people who do not share it. I do not doubt that the certainty of a stable residential base, and a bespoke day room building, helps to alleviate and control some of the symptoms associated with the wife's disability. Moreover, I do not doubt the support that is provided from the occupiers of the adjacent unauthorised Gypsy and Traveller site (i.e., the site that is the subject of Appeals C and D) in terms of day-to-day help and support for the appellant's wife. These matters weigh in favour of allowing the appeals.
50. The Act also recognises that race constitutes a relevant protected characteristic for the purposes of the PSED. Romany Gypsies and Irish Travellers are ethnic minorities, and thus have the protected characteristic of race. In this regard, I afford positive weight to the fact that use of the land as a residential caravan site would enable the appellant and his family to live a nomadic lifestyle in accordance with their culture and values.

Planning Balance and Conclusions

51. The occupiers of the site would be at risk of flooding and the barn building has been built in functional floodplain without any detailed compensatory measures. The proposal includes a combination of *'highly vulnerable'* permanent residential development, and *'less vulnerable'* agricultural development, in Flood Zone 3. National planning policy states that such development should *'not be permitted'*. This is a matter to which I afford very substantial adverse weight in the planning balance. Furthermore, I have found that the proposal would not be sustainably located and there would be significant reliance on the private motor vehicle for most day-to-day trips. In particular, there is direct conflict with policy H6(5)(b) of the LP which states that Gypsy and Traveller sites will be permitted where *'the site is located within safe walking distance to a settlement and has access to a range of services including health and education provision'*. This also weighs significantly against allowing the appeals.
52. Weighed against the above are the other considerations to which I have referred. I acknowledge that the refusal of the planning applications would result in the family being made homeless. In this context, and despite the undisputed lack of other available alternative Gypsy/Traveller pitches in the area, I have not been provided with a credible reason as to why the appellant could not explore, within a relatively short period of time, the potential to secure planning permission and occupy a new Gypsy/Traveller site elsewhere in the locality which would fully accord with the requirements of policy H6 of the LP. Consequently, I find that permanent planning permission is not therefore justified. My conclusions on the main issues are matters of overriding concern. The other considerations do not collectively attribute sufficient weight to outweigh the harm that would be caused from the development in flood risk terms and in respect of locational sustainability and safety matters.
53. I have considered, in view of the other considerations outlined above, whether a temporary planning permission would be justified. The risk of flooding is a matter to which I afford very substantial adverse weight in the planning balance. National policy advises against permitting the development that is the subject of the appeals, and I take that to mean temporary or permanent planning permission. Indeed, it remains possible that a flood event could occur at any time, and, in this regard, I do not accept that a temporary permission would have the effect minimising the risk of flooding to occupiers of the site.
54. I recognise that the appellant's wife has a disability, but the risk associated with a flooding event is real and no doubt would be an ongoing psychological concern for all members of the family. Given these matters, coupled with the proposal's conflict overall with policy H6 of the LP, and the potential to secure planning permission for a Traveller pitch elsewhere, I do not find that a temporary planning permission is justified.
55. While I do not find that there is adequate justification to grant temporary planning permission, I have nonetheless decided to increase the compliance periods in the notice to respectively twelve months and fifteen months. I provide justification for this as part of the consideration of the ground (g) appeal for Appeal B, but, in summary, I find, on balance, that it is necessary, reasonable and proportionate given the personal circumstances of the family,

- the best interests of the children, and to afford more time to find/secure planning permission on an alternative site.
56. In this case, a refusal of planning permission for appeals A and B will lead to a significant interference of rights under Article 8 of the European Convention on Human Rights as incorporated into the HRA. However, it remains possible that the appellant could source an alternative site in the area and seek planning permission on it for a Gypsy/Traveller pitch in accordance with policy H6 of the LP and within the varied compliance period. Therefore, a roadside existence need not be an inevitable outcome arising from these appeals being dismissed. In any event, the collective planning harm that I have identified is of such weight that a refusal of planning permission for appeals A and B is a proportionate, legitimate, and necessary response that would not violate those persons rights under Article 8.
57. In this case, I find that the protection of the public interest, and safety of occupiers of the site, cannot be achieved by means that are less interfering of the rights of the family arising from the refusal of the planning applications. Furthermore, and, having regard to the PSED, I find that the identified risk and harm caused by the proposal outweighs any benefits in terms of eliminating discrimination against persons with the protected characteristic of race and disability. In this regard, it is proportionate and necessary to dismiss the appeals.
58. For the above reasons, I conclude that the developments do not accord with the development plan for the area taken as a whole and there are no material considerations which indicate the decisions should be made other than in accordance with the development plan. Neither permanent nor temporary planning permission is justified in this case. Consequently, the ground (a) appeal fails (appeal A) and the planning appeal (appeal B) is dismissed.
59. In reaching the above conclusion, I have considered the various appeal decisions submitted by the appellant. None of these appeal decisions alter or outweigh my conclusion on the main issues, including the sustainable location main issue which has required me to exercise my own planning judgement. I note the appellant's inclusion of an appeal decision where flood risk was balanced against other material considerations. I have balanced the identified flood risk concerns with other material considerations and, in this case, have concluded that planning permission should not be approved.

Appeals C & D – ground (a) appeal and section 78 appeal

Main Issues

60. The appeal made under ground (a) of section 174(2) of the Act is that planning permission ought to be granted in respect of the breach of planning control alleged in the notice. The reasons for issuing the notice and the reasons for refusing planning permission (Appeal D) are the same. The main issues for consideration are therefore whether (i) occupiers of the site would be at risk of flooding, (ii) whether the site is sustainably located and accords with Policy H6(5)(b) of the LP, and (iii) if planning harm has been/would be caused, whether this is outweighed by other considerations sufficient to justify the grant of planning permission.

Risk of Flooding

61. The appeal site is adjacent to the land which is the subject of appeals A and B. It also falls within flood zone 3 and includes a mobile home which falls within the 'highly vulnerable' category. For the same reasons as outlined in my consideration of appeals A and B, and noting that in this case appeals C and D do not include an agricultural barn, I conclude that occupiers of the site would be risk of flooding and, given the clear position set out in the PPG, and the comments from the EA, the development should '*not be permitted*'.
62. In this case, I find that the occupiers of the site would be at risk of flooding and, furthermore, the FRA does not lead me to conclude that the development would be safe for its lifetime. The risk of flooding is such that it would pose a danger to occupiers of the site and to the emergency and local services in the event of the need for an evacuation.
63. I therefore conclude that the development does not accord with the flood risk requirements of policies CC3 and H6(5)(g)(iv) of the LP, chapter 14 of the 2024 Framework, and the PPG.

Whether Sustainably Located and Policy H6 of the LP

64. The appeal site is adjacent to the land which is the subject of appeals A and B. For the same reasons as outlined in my consideration of appeals A and B, I find that the site is not located in safe walking distance to a settlement and the evidence is that access to a range of services including health and education provision would, on a day-to-day basis, be private motor vehicle focussed. In this regard, I conclude that there is conflict with Policy H6 of the LP and the 2024 Framework.

Other Considerations

65. The evidence is that the appellant is married and has one child who is of school age. There is some interdependency between this family and the family occupying the adjacent site known as Stable View which I have considered as part of appeals A and B. The evidence is that support and assistance are given to a member of the family at Stable View who has a disability. This includes helping in the home and caring for the children during periods poor health.
66. There is no dispute that the appellant is a Traveller in PPTS terms. In this regard, I have had regard to Article 8 of the European Convention on Human Rights, as incorporated into the Human Rights Act 1998 (HRA), which states that everyone has a right to respect for private and family life, their home and correspondence. This is a qualified right, whereby interference may be justified in the public interest, but the concept of proportionality is crucial.
67. The Act also recognises that race constitutes a relevant protected characteristic for the purposes of the PSED. Romany Gypsies and Irish Travellers are ethnic minorities, and thus have the protected characteristic of race. In this regard, I afford positive weight to the fact that use of the land as a residential caravan site would enable the appellant and his family to live a nomadic lifestyle in accordance with their culture and values.
68. The Gypsy and Traveller Accommodation Assessment for Leicester and Leicestershire 2017 (2017 GTAA) identifies a need for Gypsy and Traveller

- pitches in the area for 2016-2031. It identifies a need for five pitches relating to Gypsies/Travellers in accordance with the definition in annex 1 of the PPTS. The Harborough District Authority Monitoring Report 2021/22 states that four of these five pitches have already been provided. In addition, Policy H6 of the LP allocates sites for Gypsies and Travellers and there is also 'reserve site' at Boneham's Lane, Gilmorton to meet future accommodation needs due to either an increase in the need of pitches arising from a change to the PPTS definition and/or sufficient evidence is provided that the identified 'unknown' Gypsy and Traveller population does not meet the PPTS definition of Gypsy and Traveller.
69. Policy H6 of the LP states that the need arising from non-PPTS definition Gypsies and Travellers, and 'unknown' Gypsies/Travellers, is identified as being respectively 24 pitches and 13 pitches. The Court of Appeal judgement of *Smith v SSLUHC & Ors* (2022) EWCA held that the PPTS definition of Gypsy and Travellers is discriminatory in so far that it does not include persons of nomadic habitat of life who, on the grounds of their own or family's dependants' educational or health needs or old age, have ceased to travel permanently.
70. In the context of the above, I find that when the full extent of non-PPTS definition need is considered, the evidence does not indicate that the local planning authority (LPA) can demonstrate a five-year supply of deliverable Gypsy and Traveller pitches. Indeed, and, in this regard, the LPA's own data in the form of the '*pitch requirements and supply document*', dated 12 October 2023, indicates 4.12 years supply for 2022-2027. This relies on the provision of pitches from the LP 'reserve' site. However, the evidence is not certain about whether Gypsy/Traveller pitches would be capable of being delivered on this site in the next five years. This adds additional uncertainty about the five-year supply position. The LPA has indicated that if pitches could not be provided on the reserve site within the next five years, the supply position would be 1.38 years.
71. I do not find that the evidence demonstrates that the LPA can demonstrate a five-year supply of deliverable Gypsy/Traveller pitches when a non-discriminatory approach to need and supply is considered. I find that the actual supply position is not entirely certain for the reasons outlined above and, in addition, the 2017 GTAA has not been reviewed for several years thereby resulting in further uncertainty in terms of whether the need for Gypsy and Traveller pitches has changed.
72. Paragraph 28 of the 2024 PPTS states that '*if a local planning authority cannot demonstrate an up-to-date 5-year supply of deliverable sites, the provisions in paragraph 11(d) of the National Planning Policy Framework apply*'. I find that the LPA is not able to demonstrate a deliverable five-year supply of Gypsy/Traveller sites. This is the same position that I reached in terms of my October 2023 appeal decision, and this has not been disputed by the Council as part of Appeals A and B.
73. However, and, while I afford positive weight to the provision of the Gypsy and Traveller site in the context of an undersupply position, the presumption in favour of sustainable development is not engaged in this case as paragraph 11(d)(ii) of the 2024 Framework states that it does not apply where '*the application for policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing development*

proposed'. Given my conclusion in respect of the flood risk main issue, and considering footnote 7 of the 2024 Framework, I find that this constitutes a strong reason for refusing the development.

74. The LPA has not indicated that there are currently any alternative available Gypsy and Traveller pitches in the area to accommodate the family. While there is no requirement for the appellant to demonstrate that there are no alternative available pitches in the area, the LPA does not dispute what the appellant says about this matter. This is therefore a matter which weighs in favour of allowing the appeals. Furthermore, I attribute some positive weight to the fact that the proposal would make more effective use of a previously developed site in accordance with paragraph 26(a) of the PPTS.
75. I am mindful that Article 3(1) of the United Nations Convention on the Rights of the Child provides that the best interests of the child shall be a primary consideration in all actions by public authorities concerning children. The needs of the children must in law be a primary consideration in the determination of these appeals.
76. The evidence is that the appellant's child is home schooled. I do not doubt that a settled base provides educational and emotional stability for the child. This is therefore a matter to which I afford positive weight in favour of allowing the appeals. However, this is tempered to some extent as it may be possible for the appellant to secure planning permission on a new and alternative site which is outside of Flood Zone 3 (and accords with policy and still allow the child to be home schooled).
77. The evidence is that the appeal site includes previously developed land. This is a matter to which I afford positive weight in the overall planning balance considering paragraph 27a of the 2024 PPTS.

Planning Balance and Conclusions

78. The occupiers of the site would be at risk of flooding. The development includes *'highly vulnerable'* permanent residential development in Flood Zone 3. National planning policy states that such development should *'not be permitted'*. This is a matter to which I afford very substantial adverse weight in the planning balance. There is direct conflict with policy H6(5)(b) of the LP which states that Gypsy and Traveller sites will be permitted where *'the site is located within safe walking distance to a settlement and has access to a range of services including health and education provision'*. This conflict also weighs significantly against allowing the appeals.
79. Weighed against the above are the other considerations to which I have referred. I acknowledge that the refusal of the planning applications would result in the family being made homeless. In this context, and despite the undisputed lack of other available alternative Gypsy/Traveller pitches in the area, I have not been provided with a credible reason as to why the appellant could not explore, within a relatively short period of time, the potential to secure planning permission and occupy a new Gypsy/Traveller site elsewhere in the locality which would fully accord with the requirements of policy H6 of the LP. Consequently, I find that permanent planning permission is not therefore justified. My conclusions on the main issues are matters of overriding concern. The other considerations do not collectively attribute sufficient weight to

- outweigh the harm that would be caused from the development from a flood risk and locational sustainability and safety point of view.
80. I have considered, in view of the other considerations outlined above, whether a temporary planning permission would be justified. The risk of flooding is a matter to which I afford very substantial adverse weight in the planning balance. National policy advises against permitting the development that is the subject of the appeals, and I take that to mean temporary or permanent planning permission. Indeed, it remains possible that a flood event could occur at any time, and, in this regard, I do not accept that a temporary permission would have the effect minimising the risk of flooding to occupiers of the site.
81. I recognise the interdependency between the occupiers of the site and the adjacent site at Stable View in terms of the support and care provided to an occupier who has a disability. However, the risk associated with a flooding event is real and no doubt would be an ongoing psychological concern for occupiers of both sites. Given these matters, coupled with the proposal's conflict overall with policy H6 of the LP, and the potential to secure planning permission for a Traveller pitch elsewhere, I do not find that a temporary planning permission is justified.
82. While I do not find that there is adequate justification to grant temporary planning permission, I have nonetheless decided to increase the compliance periods in the notice to respectively twelve months and fifteen months. I provide justification for this as part of the consideration of the ground (g) appeal for Appeal B, but, in summary, I find, on balance, that it is necessary and reasonable given the personal circumstances of the family (in particular the interdependency with the family at Stable View), the best interests of the children, and to afford more time to find/secure planning permission on an alternative site.
83. In this case, a refusal of planning permission for appeals C and D would lead to a significant interference of rights under Article 8 of the European Convention on Human Rights as incorporated into the HRA. However, it remains possible that the appellant could source an alternative site in the area and seek planning permission on it for a Gypsy/Traveller pitch in accordance with policy H6 of the LP and within the varied compliance period. Therefore, a roadside existence need not be an inevitable outcome arising from these appeals being dismissed. In any event, the collective planning harm that I have identified is of such weight that a refusal of planning permission for appeals C and D is a proportionate, legitimate, and necessary response that would not violate those persons rights under Article 8.
84. In this case, I find that the protection of the public interest, and safety of occupiers of the site, cannot be achieved by means that are less interfering of the rights of the family arising from the refusal of the planning applications. Furthermore, and, having regard to the PSED, I find that the identified risk and harm caused by the proposal outweighs any benefits in terms of eliminating discrimination against persons with the protected characteristic of race and disability. In this regard, it is proportionate and necessary to dismiss the appeals.
85. For the above reasons, I conclude that the developments do not accord with the development plan for the area taken as a whole and there are no material

considerations which indicate the decisions should be made other than in accordance with the development plan. Neither permanent nor temporary planning permission is justified in this case. Consequently, the ground (a) appeal fails (appeal C) and the planning appeal (appeal D) is dismissed.

86. In reaching the above conclusion, I have considered the various appeal decisions submitted by the appellant. None of these appeal decisions alter or outweigh my conclusions on the main issues, including the sustainable location and safety main issue which has required me to exercise my own planning judgement. I note the appellant's inclusion of an appeal decision where flood risk was balanced against other material considerations. I have balanced the identified flood risk concerns with other material considerations and, in this case, have concluded that planning permission should not be approved.

Ground (f) appeal (Appeal A)

87. An appeal on ground (f) of section 174(2) of the Act is that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.
88. The appellant's claim under the ground (f) appeal is that planning permission was granted in September 2017, under application No. 17/01297/FUL, for the change of use of the front half of the site to equestrian use, together with the laying of hardstanding and erection of stables. Planning permission was also granted in February 2021, under application No. 20/01723/FUL, for the change of use of the rear half of the site to equestrian use, together with the laying of hardstanding and erection of stables. The appellant states that these planning permissions were implemented and, the hardstanding laid, and stables erected. As such, he states that the hardstanding referred to in the enforcement notice was not laid to facilitate the change of use and, cannot be required to be removed.
89. The onus is on the appellant to demonstrate that the hardstanding was formed as part of the implementation of planning permission Nos. 17/01297/FUL and 20/01723/FUL and not in whole or in part in connection with the unauthorised material change of use of the land. The appellant has not provided clear, objective, and precise evidence in this regard. On the balance of probability, I cannot therefore conclude that the whole of the hardstanding that is on the land now was formed in connection with planning permission Nos. 17/01297/FUL and 20/01723/FUL.
90. As the appellant has not sufficiently proven that the whole of the hardstanding relates to the implementation of planning permission Nos. 17/01297/FUL and 20/01723/FUL, I find that the evidence is that at least part of it has facilitated the material change of use of the land. The laying of a hardstanding is not fundamental, or causative of the material change of use of the land. It is an ancillary element to it.
91. The purpose of the notice is to remedy the breach of planning control. The removal of hardstanding which facilitated the material change of use of the land is not an excessive requirement. It is noteworthy that the notice does not require the removal of any hardstanding which may be lawful. It simply

requires the removal of hardstanding which '*facilitated the unauthorised use*'. It is also noteworthy that the notice states '*reinstate the Land to its lawful equestrian use*'. The requirements of the notice would not prohibit the retention of lawful hardstanding in association with a lawful equestrian use.

92. For the above reasons, I conclude that the ground (f) appeal fails.

Ground (g) appeal (Appeal A)

93. An appeal made on ground (g) is that the period specified in the notice in accordance with s173(9) falls short of what should reasonably be allowed.

94. The appellant's claim under the ground (g) appeal is that a period of nine months is too short to cease residential use of the land and that a period of eighteen months would be reasonable so that the family are not left homeless.

95. In the context that there are currently no alternative available Gypsy and Traveller sites in the area, and in view of the personal circumstances (including the interdependency with the family on the adjacent site) and the best interests of the appellant's children, I find that it is reasonable and proportionate to increase the respective compliance periods from nine months to twelve months and from twelve months to fifteen months.

96. I find that the increased compliance periods strike a reasonable balance between providing more time to find/secure planning permission for an alternative Gypsy and Traveller site, to provide longer continuity of care and support from a settled base for the appellant's wife who has a disability and to provide stability for the appellant's children in education terms, while also bringing the harmful development to an end.

97. To the extent that the compliance periods will be varied, I conclude that the ground (g) appeal succeeds.

Ground (f) appeal (Appeal C)

98. An appeal on ground (f) of section 174(2) of the Act is that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.

99. The appellant's claim under ground (f) is that the hardstanding should not be removed as it was formed as part of the implementation of approved planning permission No. 20/01722/FUL for the change of use of the rear half of the site to equestrian use together with the laying of hardstanding and erection of stables.

100. The onus is on the appellant to demonstrate that the whole of the hardstanding on the land was formed as part of the implementation of planning permission No. 20/01722/FUL (or any other planning permission) and not in whole or in part in connection with the unauthorised material change of use of the land. The appellant has not provided clear, objective, and precise evidence in this regard. On the balance of probability, I cannot therefore conclude that the whole of the hardstanding that is on the land now was formed in

connection with planning permission No. 20/01722/FUL (or any other planning permission).

101. As the appellant has not sufficiently proven that whole of the hardstanding relates to the implementation of planning permission No. 20/01722/FUL (or any other planning permission), I find that the evidence is that at least part of it has facilitated the material change of use of the land. The laying of a hardstanding is not fundamental, or causative of the material change of use of the land. It is an ancillary element to it.
102. The purpose of the notice is to remedy the breach of planning control. The removal of the hardstanding which facilitated the material change of use of the land is not an excessive requirement. It is noteworthy that the notice does not require the removal of any hardstanding which may be lawful. It simply requires the removal of hardstanding which '*facilitated the unauthorised use*'. It is also noteworthy that the notice states '*reinstate the Land to its lawful equestrian use*'. The requirements of the notice would not prohibit the retention of lawful hardstanding in association with a lawful equestrian use.

103. For the above reasons, I conclude that the ground (f) appeal fails.

Ground (g) appeal (Appeal C)

104. An appeal made on ground (g) is that the period specified in the notice in accordance with s173(9) falls short of what should reasonably be allowed.
105. The appellant states that a period of nine months is too short to cease residential use of the land and that a period of eighteen months would be reasonable so that the family are not left homeless.
106. In the context that there are currently no alternative available Gypsy and Traveller sites in the area, and in view of the personal circumstances (including the interdependency with the family on the adjacent site) and the best interests of the child living on the land, I find that it is reasonable and proportionate to increase the respective compliance periods from nine months to twelve months and from twelve months to fifteen months.
107. I find that the increased compliance periods strike a reasonable balance between providing more time to find/secure planning permission for an alternative Gypsy and Traveller site, to provide longer continuity of care and support from a settled base for the disabled occupier of Stable View, and to provide stability for the appellant's child in education terms, while also bringing the harmful development to an end.
108. To the extent that the compliance periods will be varied, I conclude that the ground (g) appeal succeeds.

Conclusions

Appeal A Ref: APP/F2415/C/24/3343384

109. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with variations and refuse to grant planning permission on the deemed application.

Appeal B Ref: APP/F2415/W/24/3342250

110. For the reasons given above, I conclude that the development would not accord with the development plan for the area taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

Appeal C Ref: APP/F2415/C/24/3343386

111. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with variations and refuse to grant planning permission on the deemed application.

Appeal D Ref: APP/F2415/W/24/3342312

112. For the reasons given above, I conclude that the development would not accord with the development plan for the area taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.



INSPECTOR

Appeal Decisions

Site visit made on 20 May 2025

by **Mark Harbottle BSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 July 2025

Appeal A Ref: APP/F2415/C/24/3339923

Land Opposite Wild Meadow, Bowden Lane, Welham LE16 7UX ("Site A")

- Appeal A is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the Act"). The appeal is made by Mr Harry Mochan against an enforcement notice (Notice A) issued by Harborough District Council.
 - Notice A, reference EN 684, was issued on 16 January 2024.
 - The breach of planning control as alleged in Notice A is: Without planning permission, the material change of use of the land from equestrian uses to a mixed use as equestrian and the stationing of caravans for residential purposes for a Gypsy/Traveller pitch (Sui Generis), together with the formation of additional hard standing.
 - The requirements of Notice A are: (i) Permanently cease the use of the land as a Gypsy/Traveller residential caravan site; (ii) Permanently remove from the land all caravans (including static caravans), associated vehicles and domestic paraphernalia; and (iii) Permanently remove from the land all associated works and operational development undertaken to facilitate the unauthorised use referred to in (i) above, including but not limited to hardcore, road planings, and surfacing materials.
 - The periods for compliance with the requirements are: (i) and (ii) 6 calendar months; and (iii) 8 calendar months.
 - Appeal A is proceeding on the grounds set out in section 174(2)(a), (b), (c), (d), (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.
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Appeal B Ref: APP/F2415/C/24/3339943

Land Opposite Wild Meadow, Bowden Lane, Welham LE16 7UX ("Site B")

- Appeal B is made under section 174 of the Act. The appeal is made by Mr Felix McCann against an enforcement notice (Notice B) issued by Harborough District Council.
 - Notice B, reference EN 685, was issued on 16 January 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of the land from equestrian uses to a mixed use as equestrian and the stationing of caravans for residential purposes for a Gypsy/Traveller pitch (Sui Generis), together with the formation of additional hard standing.
 - The requirements of Notice B are: (i) Permanently cease the use of the land as a Gypsy/Traveller residential caravan site; (ii) Permanently remove from the land all caravans (including static caravans), associated vehicles and domestic paraphernalia; and (iii) Permanently remove from the land all associated works and operational development undertaken to facilitate the unauthorised use referred to in (i) above, including but not limited to hardcore, road planings, and surfacing materials.
 - The periods for compliance with the requirements are: (i) and (ii) 6 calendar months; and (iii) 8 calendar months.
 - Appeal B 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.
-

Appeal A – Decision

1. It is directed that the enforcement notice is corrected and varied by:
 - The deletion of the word "pitch" and its substitution with the words "caravan site" in section 3.

- The deletion of the word "hardcore" and its substitution with the words "hardcore in the approximate position shown hatched green on the attached plan" in section 5.iii.
 - The deletion of the words "six (6) calendar months" and "eight (8) calendar months" and their substitution with the words "12 calendar months" and "14 calendar months" respectively in section 6.
 - The substitution of the plan at Appendix 2 to this decision for the plan attached to the enforcement notice.
2. 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 Act.

Appeal B – Decision

3. It is directed that the enforcement notice is corrected and varied by:
- The deletion of the word "pitch" and its substitution with the words "caravan site" in section 3.
 - The deletion of the word "additional" in section 3.
 - The deletion of the words "six (6) calendar months" and "eight (8) calendar months" and their substitution with the words "12 calendar months" and "14 calendar months" respectively in section 6.
4. Subject to the corrections and variation, 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 Act.

Preliminary Matters

5. While Notices A and B allege that the same development has occurred at the same address, they relate to separate, adjoining parcels of land. The parcels are in different ownership, and hence Appeals A and B are made by different persons. However, the appellants have jointly instructed an agent who made a single submission in support of both appeals.
6. A third site with the same address was subject to a planning application for 'change of use of land for the siting of 1 mobile home to provide 1 no. Gypsy and Traveller pitch.' The Council refused to grant planning permission and a subsequent appeal ("the 2023 appeal decision")¹ was dismissed. That decision has been put before me and is a material consideration in the determination of Appeals A and B, although it is not binding on me.
7. Each notice alleges a material change of use to a 'Gypsy/Traveller pitch' but requires cessation of use as a 'Gypsy/Traveller caravan site.' While there is only one pitch² on each site, that term does not in itself denote a land use. Each allegation should be corrected to properly describe the development and the deemed planning application, and to be consistent with the requirements.

¹ APP/F2415/W/22/3313559, dismissed 17 October 2023.

² Meaning [part of] a caravan site occupied by a single household.

8. The appellants suggest that correcting the notice would cause them injustice, but do not explain how. It is already clear that both notices are directed at the stationing of caravans for residential use and both appellants understand that. Correcting the allegation would not make the requirements of the notices any more onerous; so, no injustice would be caused to the appellants or the Council.
9. The statement that caravans have been stationed on the land for over 10 years made in the appeals on ground (f) in both appeals is more appropriately considered in ground (d). While, as made, Appeal B did not specify an appeal on that ground, I shall consider it as having been made for that reason.

Appeals A and B – the appeals on ground (b)

10. An appeal on ground (b) is that the matters stated in the notice have not occurred. In each case, the appellant suggests the breach of planning control would be more accurately described as “Without planning permission, the change of use to mixed use caravan site and equestrian, and the formation of hardstanding.”
11. While the suggestion was made in good faith, it only amounts to a denial that a matter stated in either notice has occurred in one respect. That is the allegation of the formation of *additional* hardstanding in the notice the subject of Appeal B.
12. Evidence considered in more detail in the appeals on grounds (c) and (d) below indicates that a hardstanding had long existed on part of Site A. The hardstanding that Notice A attacks is additional to that. However, there is no such evidence for Site B, which is entirely grassed in aerial images from 2019 to 2024. The hardstanding that has been formed on Site B is therefore not an additional area and ‘the formation of hardstanding’ is a more accurate description. There is no reason to believe that the appellant in Appeal B would have made a different case if the allegation had been phrased that way, so this correction can be made without causing injustice.
13. The appeal on ground (b) therefore fails in respect of Appeal A and succeeds to the identified limited extent in respect of Appeal B and Notice B will be corrected.

Appeal A – the appeal on ground (c)

14. Planning permission was granted in 2014³ for the change of use of the appeal site from agriculture to equestrian and the erection of stables. Although a hardstanding is not included in the description, and so is not mentioned in the decision notice, the approved location plan shows one extending approximately one third of the way into the site from Bowden Lane.
15. No conditions were imposed in respect of the hardstanding, so the appellant contends that its extent is not controlled. However, if the location plan were disregarded, so the permission is interpreted from the content of the decision notice alone, it would have to follow that no hardstanding was permitted. In these circumstances, given that every planning application must include a location plan, it is reasonable to take that drawing into consideration and interpret the permission as having authorised the extent of hardstanding it shows.
16. The alleged additional hardstanding identified by the Council corresponds to an area annotated ‘paddock’ on the approved location plan, not the hardstanding

³ 14/00473/FUL granted 23 May 2014.

shown on the same plan. The appellant has not demonstrated that the formation of this additional hardstanding was not development requiring planning permission. Accordingly, and on the balance of probabilities, the formation of the additional hardstanding requires planning permission, which has not been granted, so it is in breach of planning control. The appeal on ground (c) must therefore fail.

Appeals A and B – the appeals on ground (d)

17. This ground of appeal is that, on the date the notice was issued, it was too late for the Council to take enforcement action.
18. In Appeal A, it is argued that operational development comprising the formation of the additional hardstanding had been substantially completed not less than 4 years before the notice was issued, i.e. on or before 16 January 2020. If so, the additional hardstanding would be immune from enforcement action by reason of section 171B(1) of the Act.
19. The appellant states there has been hardstanding on Site A for over 4 years, which is likely as far as the area shown on the 2014 location plan and associated with the former solely equestrian use is concerned. However, there is no evidence that hardstanding was laid anywhere else in connection with that former use.
20. The only evidence produced in support of the appellant's claim in respect of the alleged additional hardstanding is an aerial image from May 2019, in which much of the additional area identified by the Council is a brown colour. However, that could simply be bare earth and most of that area is green, in all probability grassed, in later aerial images taken in 2021 and 2024.
21. In both appeals, it is also suggested that caravans have been stationed on the land for over 10 years. If so, the alleged use could be immune from enforcement action by reason of s171B(3) of the Act. However, no relevant evidence has been produced and in each case the claim is contradicted by aerial images.
22. Specifically, images of Site A taken between 2015 and 2019 show a touring caravan on the land, but not that it was stationed for residential use for any 10-year period with no significant interruption to the use. Aerial images of Site B, taken between 2019 and 2014, show no caravans on the land at all.
23. It has therefore not been demonstrated, on the balance of probabilities, that the additional hardstanding was substantially completed on or before 16 January 2020. Nor has it been demonstrated on the same terms that the alleged use of either site had taken place for any 10-year period by the date the notice was issued. Consequently, the appeals on this ground must fail.

Appeals A and B – the appeals on ground (a)

Main Issues

24. The deemed planning applications are for the use of the land as a residential caravan site. In each case, conditions would need to be imposed to control the number and/or type of caravans and to restrict occupation to Gypsies and Travellers as defined in the glossary to Planning Policy for Traveller Sites (PPTS).

25. The main issues in each appeal are therefore:

- Whether the use of the land as residential caravan sites gives rise to an unacceptable risk of flooding.
- Whether the site is suitable for the proposed development having regard to access to the nearest settlement and to a range of services.
- The need for, supply and availability of Gypsy and Traveller sites in the district and whether there has been a failure of policy in respect of provision for such development.
- The personal circumstances of the appellant and his family.

Reasons

Flood risk – the flood risk classification of the site and the policy context

26. The National Planning Policy Framework (“the Framework”) sets out in paragraph 170 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. The Framework also provides in Annex 3 that caravans and mobile homes intended for permanent residential use are ‘highly vulnerable’ to flood risk.
27. The nearest watercourse to both sites is the Stonton Brook, approximately 75m to the west. Data from the Environment Agency (EA) confirms that both sites are within the brook’s floodplain, meaning that the land is functional floodplain or needed to hold water in a flood event. By reason of being in the floodplain, both sites are classed as being in Flood Zone 3b (FZ3b), land at the highest risk of flooding. The annual probability of flooding from the brook is 3.3%.
28. The River Welland is some 250m south of Site B. Both sites are within the river catchment floodplain, so they have a high probability or greater than 1 in 100 (1%) risk of flooding from the river. The sites are in FZ3a in respect of this second source of flooding. I accept the EA’s evidence that the sites are not protected by flood defences, meaning that the banks of natural high ground along the river and brook do not have that protective effect.
29. There is a history of flooding in the area, with events recorded in 1998 and more recently in 2012, 2013, 2016, 2019, 2020 and 2023. It is not clear whether, or to what extent, the appeal sites were affected. However, the appellants’ site-specific flood risk assessment (SSFRA) does not dispute the flood risk classification or the actual risk of flooding on either site. Their case, as set out in more detail below, is rather that the actual risk is not unacceptable and can be adequately mitigated.
30. The 2023 appeal decision also concerned a residential caravan site in FZ3. The Inspector emphasised the expectation of the Planning Practice Guidance (PPG) that highly vulnerable development should not be permitted in areas at the highest risk of flooding. Policy B, paragraph 13 of PPTS also states that Gypsy and Traveller sites should not be located in areas at high risk of flooding given the particular vulnerability of caravans.
31. However, paragraph 170 of the Framework provides that where development would be inappropriate in areas at risk of flooding but is nonetheless necessary, it should be made safe for its lifetime without increasing flood risk elsewhere. In

other words, the Framework does not expressly prohibit development in FZ3 and so the appeals cannot be dismissed simply because that is where the sites are.

Flood risk – the sequential test and alternative sites

32. The aim set out in Framework paragraph 170 to direct development away from areas at the highest risk of flooding is to be achieved by taking a sequential, risk-based approach to individual planning applications. Paragraphs 173 and 174 of the Framework aim to steer new development to areas with the lowest risk of flooding. The latter states that development should not be permitted if there are reasonably available and appropriate sites for it in lower risk areas.
33. The appellants have submitted one SSFRA for both sites, but it does not include a sequential test (ST). On its face, then, the appellants have not shown that either pitch could not be directed to an area at lower risk of flooding. However, as set out in more detail below, the Council does not have a supply of deliverable Gypsy and Traveller sites sufficient to meet its needs for the next 5 years. There are no alternative Gypsy and Traveller sites anywhere in the district that are available for the appellants.
34. As there are no available alternative sites, it must follow that there are none in any area at lower risk of flooding. I shall therefore take the ST as passed.

Flood risk - necessity and safety

35. Paragraph 177 of the Framework provides that, where it is not possible to locate development in an area at a lower risk of flooding, the exception test may have to be applied. However, the PPG is clear that the exception test should not be applied to highly vulnerable development proposed in FZ3. It is thus necessary to go back to paragraph 170 of the Framework. This states that where development would be inappropriate in areas at risk of flooding but is nonetheless necessary, it should be made safe for its lifetime without increasing flood risk elsewhere.
36. I shall take the development as necessary on the basis, again, of there being no available alternative sites. The outstanding question is therefore whether the development would be safe for its lifetime without increasing flood risk elsewhere. That assessment should be undertaken having regard to the SSFRA and criteria a) to e) set out in paragraph 181 of the Framework.
37. Criterion a) requires that, within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location. A site layout plan has not been provided for either deemed planning application, but a plan within the SSFRA shows the pitches on the highest part of each site, which is where the static caravans are currently sited.
38. The SSFRA indicates that water from Stonton Brook, which poses the greatest flood risk, would need to flow some 120m across other land to reach the sites. This would not be from the part of the brook nearest the sites but from a point further north, which is the most probable source of floodwater. It is suggested that the waters would largely dissipate before reaching either site, such that peak depths on both would be less than the 200mm maximum identified for a 1 in 30-year event. The SSFRA also records that the static caravans are stationed where peak depths would generally be less than 100mm. It concludes that they would remain

dry in a 1 in 100-year event, even with an allowance for climate change, and in a 1 in 30-year event. The evidence therefore indicates that criterion a) is met.

39. Criterion b) requires that the development is appropriately flood resistant and resilient so that it can be quickly brought back into use without significant refurbishment in the event of a flood. The SSFRA considers that floodwater would dissipate before reaching the sites, where it would be of minimal depth and would not pose a risk to life or the mobile homes. Nevertheless, it recommends tethering mobile homes to prevent them moving with flood water and becoming a hazard.
40. However, the SSFRA does not indicate the likely velocity of the flood water passing through the sites during an event. EA fluvial hazard mapping includes velocity but is not available for either site. The force of water that tethering would need to withstand is therefore unclear, as is the likely extent of any necessary subsequent refurbishment of the caravans. Thus, and despite the confidence expressed in the SSFRA, I consider that criterion b) is not complied with.
41. Criterion c) expects necessary development in areas at the highest risk of flooding to incorporate sustainable drainage systems, unless there is clear evidence that this is inappropriate. The SSFRA does not provide such evidence for either site or any recommendations for site drainage. Nevertheless, if planning permission were granted in either case, it could be subject to a condition requiring the submission of a drainage study and, if necessary, a sustainable drainage system that could be implemented. It is therefore reasonable to conclude that criterion c) could be met.
42. Criterion d) requires that any residual risk can be safely managed. The SSFRA states that this can be achieved by raising the mobile homes above expected flood water levels and by tethering them. However, as with criterion b) the absence of evidence regarding the velocity of flood water must cast some doubt on that view. I consider that criterion d) is not complied with.
43. Criterion e) requires that safe access and escape routes are included where appropriate, as part of an agreed emergency plan. A flood management and evacuation plan (FMEP) has been submitted for both appeals but it does not identify access and escape routes. However, these would be from the static caravans, across parts of each site with deeper water, to Bowden Lane.
44. The FMEP notes that flood depths could be significant at nearby low spots including along Bowden Lane⁴ and that “combined with the likely water velocity in some of these areas there is significant hazard to occupants.” It therefore recommends that occupiers should only leave the site in a vehicle with a high wheelbase, “such as a jeep, van or tractor” in the event of a flood. As there is no practical way of ensuring that all occupiers would have access to such a vehicle, it follows that safety of the access and escape routes has not been demonstrated, meaning that criterion e) is not met.

Conclusion on flood risk

45. For the reasons given, safe access and escape routes have not been identified and the Framework’s requirements for flood resistance and resilience and the management of residual risk are not met. Accordingly, I cannot conclude that either development would be safe for its lifetime. In each appeal, the development

⁴ Named as Great Bowden Lane.

gives rise to unacceptable risk of flooding and its mitigation, flood management and flood resilience measures have not been satisfactorily addressed. Consequently, a flood event could have devastating consequences for occupiers of the sites, especially any children or disabled or older people, without safe means of escape.

46. Both developments therefore conflict with Policy H6 of the Harborough Local Plan 2011 to 2031 (“the HLP”) which does not permit new Gypsy and Traveller sites that put the health and safety of occupants at risk through flood risk. They also conflict with Policy CC3 of the HLP, which only permits development that is water-compatible, or which passes the exception test in FZ3b. Additionally there is conflict with the Framework, PPTS and the PPG in respect of this issue.

Access to the nearest settlement and services

47. Policy H6 of the HLP requires that sites for Gypsies and Travellers are located within safe walking distance of a settlement and have access to range of facilities including health and education provision.
48. The sites are remote from any public transport network and the road to the nearest settlement, Welham, some 500m away, is narrow, unlit and has no footways. While this may not appear an attractive pedestrian route, particularly at night, the rural location means that limited traffic should be expected, such that the route does not appear unsafe.
49. Neither party has provided information on the services available in Welham, but I saw that it has a church and a pub. There is no evidence to suggest that the use of either site would fail to respect the scale of the village, or dominate it, or place an undue pressure on local infrastructure. Access to health, educational and other facilities in other settlements is, however, likely to be dependent on car use.
50. However, paragraph 110 of the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. This is highly relevant because PPTS does not prevent Gypsy or Traveller sites in rural or semi-rural areas. Furthermore, the factors relevant to the sustainability of Gypsy and Traveller sites identified in PPTS paragraph 13 do not mention public transport or the distance to shops and services.
51. Having regard to PPTS paragraph 13, both developments could reduce the occupiers’ need for long-distance travelling simply by reason of providing them with settled bases. The developments would also promote access to health services, in the sense of the ability to use those services, by reason of having a permanent address.
52. While an opposite conclusion was reached in the 2023 appeal decision, I find on the evidence before me that, although the occupiers would likely be car dependent, there would not be unacceptably poor access to shops and services. While both developments would conflict with HLP Policy H6 in this regard, they are not inconsistent with the Framework or PPTS, which in my view should prevail.
53. However, neither appellant has shown that the development has any access or other sustainability benefits that would weigh positively in favour of the appeal. For that reason, and since PPTS paragraph 13 expects that Gypsy and Traveller sites

should be sustainable by not being in areas at high risk of flooding, my conclusion on this matter cannot alter or outweigh my finding on the first main issue.

Need, supply and availability of Gypsy and Traveller sites

54. HLP Policy H6 seeks to make provision for a minimum of 5 additional pitches to meet the needs of Gypsies and Travellers within the district between 2016 and 2031. This policy provision is based on a 2017 county-wide Gypsy and Traveller Accommodation Assessment, which calculated need having regard to a more restrictive definition of Gypsies and Travellers than currently made in PPTS. Policy H6 is therefore likely to under-estimate the need for Gypsy and Traveller pitches.
55. Policy H6 allocates 2 sites to provide for the minimum of 5 pitches. Four of these have been provided, meeting the district's stated interim requirement to March 2026. It can therefore be accepted, although the requirement is likely to be an underestimate, that there is not an immediate unmet need for pitches. However, I have no evidence as to whether any of the 10 pitches on an identified reserve site have been provided. In these circumstances, as with the 2023 appeal decision, I find that the Council cannot demonstrate an up to date 5-year supply of deliverable sites, in conflict with PPTS. The Council also accepts that there are no suitable and available alternative sites for the appellants within the district.
56. The appellants suggest that the Council has not only failed to identify a 5-year supply through the HLP but has also failed to provide sufficient sites for Gypsies and Travellers in all its planning policies going back to 2006. However, no evidence to substantiate that claim has been provided. The appellants have not shown that there has been a persistent policy failure on the Council's part which could count as an additional factor in support of the appeals.
57. Nevertheless, I attach significant weight in favour of the appeals to the Council's lack of a 5-year supply of deliverable sites and the absence of any suitable and available alternative sites for the occupiers to move to.

Personal circumstances

58. The sites provide the appellants and their families with settled bases. Evidence of evictions from land in Exeter, Somerset, Bristol and Birmingham in June, July and August 2023 have been presented. While the communication is addressed to unidentified persons, the fact that copies are in the possession of the appellants indicates that they were included, reinforcing the value of a settled base to them.
59. In each appeal, the evidence indicates that some family members have diagnosed medical conditions and continuity of access to health services is therefore important to them. In Appeal A, some of the appellant's children attend a local primary school and in Appeal B, some of the appellant's grandchildren are in local pre-school education. In each case, the settled base provided by the appeal site is clearly of benefit in these respects.
60. PPTS is clear that appellants do not need to demonstrate any local connections. However, both appellants have family ties to the area and that adds to their cases. I conclude in each case that the appellant's personal circumstances carry significant weight in favour of the appeal.

Overall Conclusions on ground (a)

61. I have found that occupiers of caravans stationed on both sites are at unacceptable risk of flooding with consequent danger. This carries substantial weight against both appeals. The developments are not unacceptable in access terms but that is a neutral factor in the balance.
62. Factors that carry significant weight in favour of the appeals are the lack of a 5-year supply of sites suitable for Gypsies and Travellers, the lack of availability of sites, and the personal circumstances of the occupying families on both sites. Paragraph 28 of PPTS confirms that the provisions in paragraph 11d) of the Framework apply if there is not a 5-year supply of deliverable sites, meaning that permission should be granted unless – for these sites – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
63. For both appeals, I find the objection to the development on flood risk grounds compelling. The personal evidence submitted shows that the occupiers of both sites include children and others with vulnerabilities who would be at the gravest risk if the land was flooded and there were no safe means of escape. The developments conflict with HLP Policies H6 and CC3, the Framework, PPTS and the PPG. There are no material considerations which would justify a decision not in accordance with the development plan. The adverse impacts of granting permission significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
64. That is sufficient reason for me to withhold any grant of permanent or personal planning permission. I have considered allowing the appeals subject to a temporary permission, so that the occupiers could live on the sites for a limited period, during which climate change should not advance significantly. This would increase the chances of finding alternative sites and avoiding homelessness.
65. Even for a temporary period, however, the occupiers would remain ‘highly vulnerable’ in a flood event because the SSFRA has not demonstrated that there would be a safe route from the site. I also note that it would not be reasonable to impose conditions requiring costly flood mitigation measures on a permission that would endure only for a temporary period.
66. Dismissing the appeals would interfere with the rights of the appellants to respect for their home and family life and property. This is under Article 8 of the European Convention on Human Rights as set out in Schedule 1 of the Human Rights Act 1998. The caravans are the occupiers’ homes, and living in those caravans is central to their private and family lives. While the best interests of children are a primary consideration in the appeals, children are amongst the most vulnerable in the event of a flood.
67. The rights set out under Article 8 are qualified rights, which may be interfered with in accordance with the law and in the interests of public safety in a democratic society. Although there are no alternative available sites, and the occupiers of the site stand to be made homeless, the risk and consequences of flooding are such that it is proportionate to dismiss the appeals on ground (a). The protection of the public interest cannot be achieved by means that interfere less with the rights of the occupiers under Article 8.

68. Under section 149(1) of the Equality Act 2010, I must also have regard to the aims of the Public Sector Equality Duty (PSED). The second of those aims, to advance equality of opportunity, is relevant in terms of access to suitable accommodation, particularly in view of the local undersupply of sites for Gypsies and Travellers. The appellants and their families, as Gypsies, have the protected characteristic of race for the purposes of the PSED. However, in each case the harm arising from the development in terms of flood risk outweighs its benefits to the occupiers. Dismissing the appeals is proportionate and necessary to avoid unlawful discrimination and to foster good relations between the occupiers and members of the settled community.
69. While I have taken account of the foregoing rights and the aims of the PSED, they do not individually or along with any other considerations, outweigh the substantial negative factor of flood risk. It is in the public interest to direct vulnerable development away from sites in FZ3 and in the best interest of any child to not be at risk of flooding. I note that a similar view was reached in the 2023 appeal decision.
70. For these reasons, I conclude that neither development accords with the development plan taken as a whole and there are no material considerations to indicate that my decision should be made other than in accordance with the development plan. Neither permanent nor temporary permission is justified in either case and the appeals should therefore be dismissed.

Appeals A and B – the appeals on ground (f)

71. An appeal on this ground is whether any requirement of a notice exceeds what is necessary to remedy the breach of planning control or any injury to amenity it may cause. By requiring that the alleged use must cease, both notices have the purpose of remedying the breach. For that reason, and as I have already considered the planning merits of the developments, ground (f) can only succeed if the appellants show that the breach would be remedied by taking lesser steps.
72. I have dealt with the inconsistencies between the allegations and requirements of the notices and found that both should refer to the use of land, in short, as a residential caravan site. I have also dealt, via ground (d), with the submissions that caravans had been on both sites for not less than 10 years. It is not excessive but necessary to require cessation of the residential use to remedy the breach.
73. If a caravan were stationed on either site solely for the purposes of a permitted or lawful equestrian use, that would not require planning permission. However, there is no evidence of any caravan having ever been on either site for that purpose and, in any event, the notices do not prevent resumption of any lawful or permitted use. It is not excessive to require the removal of caravans that are plainly on the site for the purposes of human habitation. Similarly, the requirement to remove 'associated vehicles' would not prevent, for example, towing a horse box onto the land for the purposes of a lawful or permitted equestrian activity.
74. The appellants criticise the notices because they do not specify the 'associated works and operational development' to be removed. However, I find that, read fairly, both notices clearly require the removal of those works that have facilitated the unauthorised residential use. The appellants will know what that entailed. As

noted before, Site B was grassed over as recently as 2024, indicating that there was no operational development in connection with any previous lawful use.

75. The Council's supplementary plan shows the approximate extent of the additional hardstanding on the land subject of Appeal A. It would be reasonable to vary the requirement to refer to this, thereby ensuring that any hardstanding laid earlier in connection with the permitted equestrian use is not affected. Appeal A succeeds on ground (f) to that limited extent only, while the ground (f) appeal for Appeal B must fail.

Appeals A and B – the appeals on ground (g)

76. As issued, the notices require the use to cease and all caravans, associated vehicles and domestic paraphernalia to be removed within 6 months (requirements i. and ii). A further 2 months is allowed (8 months in total) to remove associated works and operational development (requirement iii.) In each Appeal it is put that these periods should be increased to at least 18 months and 24 months respectively.
77. The reasons for seeking more time to comply with requirements i. and ii. are the lack of alternative sites and the stated personal circumstances. The weight I afforded to those considerations in the appeals on ground (a) was not enough to overcome the substantial adverse weight arising from the unacceptable risk of flooding and the consequent danger to occupiers. The requested minimum 18-month period would significantly prolong exposure to the risk and danger. However, 6 months may not be sufficient to find suitable alternative sites in the area, so a longer period of 12 months would achieve an appropriate balance.
78. It follows that the period to comply with requirement iii. should also be extended by 6 months, to 14 months. However, no reason has been given for why it should be set to 6 months after compliance with requirements i. and ii., as requested, rather than 2 months.
79. For these reasons the appeals on ground (g) succeed in part and all periods will be extended by 6 months.



INSPECTOR

Appendix 1
List of those who have appealed

Appeal	Case Reference	Notice	Appellant
Appeal A	APP/F2415/C/24/3339923	EN 684	Mr Harry Mochan
Appeal B	APP/F2415/C/24/3339943	EN 685	Mr Felix McCann

Appendix 2

Plan to be attached to Notice A



Harborough District Council

The Symington Building, Adam and Eve Street,
Market Harborough, Leicestershire, LE16 7AG
01858 828282 • www.harborough.gov.uk



In Reply Quote:

Legal/BS/709

Please ask for: Bhupinder Sahota (Mr)

Mobile: 07519106040

Email: b.sahota@harborough.gov.uk

Date: 03 November 2025

Mr Henry Beeny
Mr Patrick Harty
And Persons Unknown residentially
occupying or undertaking development as
defined by section 55 of the town and
country planning act 1990 to the land on
woodway lane to the south west of
claybrooke parva

Sent by way of process server only

Dear Sirs

Case ref: KB-2025-BHM-000334

HARBOROUGH DISTRICT COUNCIL

-and-

(1) MR HENRY BEENY

(2) MR PATRICK HARTY

**(3) PERSONS UNKNOWN RESIDENTIALLY OCCUPYING OR UNDERTAKING
DEVELOPMENT AS DEFINED BY SECTION 55 OF THE TOWN AND COUNTRY PLANNING
ACT 1990 TO THE LAND ON WOODWAY LANE TO THE SOUTH WEST OF CLAYBROOKE
PARVA**

**Hearing date: Tuesday 11 November 2025 at the High Court of Justice, Business &
Property Court, Birmingham District Registry, 33 Bull Street, Birmingham B4 6DS at
10.30am**

We refer to the above matter.

We served upon the land a Temporary Stop Notice on the 27th September 2025. The Notice required you to cease with any further development on the land however you have ignored the Notice

As a result of failing to comply with the Notice, Harborough District Council filed at court an application for an injunction on the 28 October 2025 at the High Court, Birmingham.

The hearing has been listed for the following date:

**Tuesday 11 November 2025 at the High Court of Justice, Business & Property Court,
Birmingham District Registry, 33 Bull Street, Birmingham B4 6DS at 10.30am**

We enclose by way of personal service upon you the following documents:

1. Notice of Hearing

2. Claim Form (sealed)
3. Application
4. Draft Order undated
5. Certificate of Urgency
6. Witness statement of Michaela Barton dated 22 October 2025

The time set aside for the hearing is 2 hours. Please ensure that you arrive in good time if you are attending so that you can locate the court desk and court room where the hearing is to be held.

It is in your best interests to attend the hearing as the court may make an Order in your absence and you may be subject to costs.

You are also entitled to obtain independent legal advice if you so wish. Please ensure you take all these documents with you when attending all meetings either at court or with your legal representatives

Yours sincerely,



Bhupinder Sahota
Lawyer
Legal Services
For and on behalf of Harborough District Council

b.sahota@harborough.gov.uk

Made on behalf of:	Claimant
Statement of:	Edmund Kobiela
Statement Number:	One
Number of Exhibits:	One
Date Made:	04/11/2025
Date Filed:	

Claim No: KB-2025-BHM-000334

**IN THE HIGH COURT OF JUSTICE
KINGS BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY**

RE: SECTION 55 OF THE TOWN AND COUNTRY PLANNING ACT 1990

B E T W E E N:

HARBOROUGH DISTRICT COUNCIL

(Claimant)

-and-

(1) MR HENRY BEENY

(2) MR PATRICK HARTY

**(3) PERSONS UNKNOWN RESIDENTIALLY OCCUPYING OR UNDERTAKING DEVELOPMENT AS
DEFINED BY SECTION 55 OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO THE LAND ON
WOODWAY LANE TO THE SOUTH-WEST OF CLAYBROOKE PARVA**

(Defendants)

STATEMENT OF SERVICE

I Edmund Kobiela, a Process Server employed by Bryan Lecoche Limited of The Old Mill, 34A Gladstone Street, Bedford, MK41 7RR will state as follows:

1. THAT I am over 16 years of age, and I make this Statement on behalf of Harborough District Council, the Claimant.

2. THAT I did on Tuesday 4th November 2025 personally serve the below mentioned documents on the Defendants listed above:

- i. Covering Letter to the Defendants
- ii. Notice of Hearing on 11th November 2025 at 10.30am before HHJ Kelly
- iii. Sealed Claim Form dated 28th October 2025
- iv. Application for Injunction dated 28th October 2025
- v. Draft Order undated
- vi. Certificate of Urgency dated 28th October 2025
- vii. Witness Statement of Michaela Barton dated 22nd October 2025 and exhibits thereto.

3. THAT the said documents were served on the third defendant, Persons Unknown by displaying the bundle contained within a clear weatherproof sleeve attached to a wooden stake driven into the ground at the entrance to the land on Woodway Lane to the South-West of Claybrooke Parva, to be visible to anyone entering the said land.

4. THAT the said documents were served on the First and Second Defendants, Henry Beeny and Patrick Harty by handing them to them at the land on Woodway Lane to the South-West of Claybrooke Parva.

5. THE said Draft Order so served as aforesaid had indorsed thereon the following words:

IMPORTANT NOTICE TO THE DEFENDANTS

YOU MUST OBEY THIS ORDER OF THE COURT. YOU SHOULD READ IT CAREFULLY. IF YOU DO NOT UNDERSTAND ANYTHING IN THIS ORDER YOU SHOULD GO TO A SOLICITOR, LEGAL ADVICE CENTRE OR CITIZENS ADVICE CENTRE.

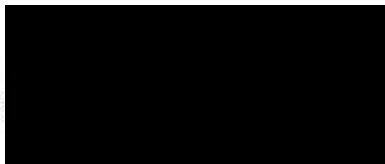
IF YOU DO NOT OBEY THIS ORDER, YOU WILL BE GUILTY OF CONTEMPT OF COURT AND MAY BE SENT TO PRISON, FINED OR HAVE YOUR ASSETS SEIZED.

6. TRUE copies of the said document bundle so served, as above, are exhibited to this Statement of Service marked "E.K.1"

Statement of Truth

I believe the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed:



Dated: 14th November 2025

Made on behalf of:	Claimant
Statement of:	Edmund Kobiela
Exhibit Number:	"E.K 1"
Number of Exhibits:	One
Date Made:	04/11/2025
Date Filed:	

Claim No: KB-2025-BHM-000334

**IN THE HIGH COURT OF JUSTICE
KINGS BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY**

B E T W E E N:

**HARBOROUGH DISTRICT COUNCIL
-and-**

(Claimant)

(1) MR HENRY BEENY

(2) MR PATRICK HARTY

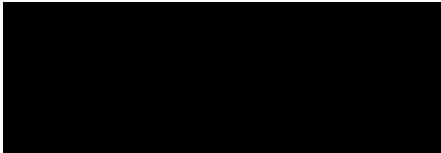
**(3) PERSONS UNKNOWN RESIDENTIALLY OCCUPYING OR
UNDERTAKING DEVELOPMENT AS DEFINED BY SECTION 55 OF THE
TOWN AND COUNTRY PLANNING ACT 1990 TO THE LAND ON WOODWAY LANE TO THE SOUTH-
WEST OF CLAYBROOKE PARVA**

(Defendants)

EXHIBIT

This is the exhibit marked "E.K.1" referred to in the Statement of Edmund Kobiela

Signed:



Dated: 4th November 2025



**BRYAN
LECOCHE LTD.**

ENFORCEMENT, INVESTIGATION
& SUPPORT SERVICES

THE OLD MILL,
34A GLADSTONE STREET,
BEDFORD, MK41 7RR

01234 824570

control@bryanlecoche.co.uk

www.bryanlecoche.co.uk

Location: Woodway Park, Woodway Lane, Claybrooke Parva, Lutterworth, Leicestershire	Our ref: 10692
Date: 04/11/2025	Time Taken:
Photo/s taken by: Matthew Bloomer	

1. Documentation displayed at the entrance to the land on a wooden stake driven into the ground



4 Nov 2025 at 09:03:16
Woodway Lane, Claybrooke Parva
Lutterworth
England
LE17
United Kingdom

2. Entrance to the land



4 Nov 2025 at 09:01:17
Woodway Lane, Claybrooke Parva
Lutterworth
England
LE17
United Kingdom



4 Nov 2025 at 09:01:15

Woodway Lane, Claybrooke Parva

Lutterworth

England

LE17

United Kingdom



