



# Planning Inspectorate

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Mr J Hodge  
Blaby District Council  
Council Offices  
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LE19 2EP

Your Ref: E25/0173/1JDGYP  
Our Ref: APP/T2405/C/25/3377143  
Further appeal references at foot of letter

01 June 2026

Dear Mr Hodge,

Town and Country Planning Act 1990  
Appeals by Mr Martin McDonagh, Ms Theresa McDonagh, Martin McDonagh  
Site Addresses: Caravan site, Sycamore Street, Blaby, Leicestershire, LE8 4FJ  
and Land on the East Side of Sycamore Street (Caravan Site), Blaby, LEICESTER,

## Outcome

I enclose a copy of our Inspector's decision on the above appeal(s).

Thank you for your cooperation and patience while we reviewed your case and all relevant documentation.

## What Next?

Please note that the Planning Inspectorate cannot change or revoke the outcome of the attached decision as only the High Court can quash this decision. The Planning Inspectorate is not the administrative body for High Court challenges. If you would like more information on the strictly enforced deadline for challenging a decision or a copy of the form for lodging a challenge, please get in touch with the administrative court on 02079476655.

## Support

If you have any questions about how we handled the appeal(s), please use our [customer contact form](https://contact-us.planninginspectorate.gov.uk/hc/en-gb/requests/new) / <https://contact-us.planninginspectorate.gov.uk/hc/en-gb/requests/new> , or call us on 0303 444 5000. Our customer service phone line is open between 09:00 and 16:00, Monday through Friday (closed on weekends and public holidays).

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Thank you in advance for taking the time to provide us with valuable feedback.

Yours sincerely,

***Elaine Simpson***

Elaine Simpson

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*Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - <https://www.gov.uk/appeal-planning-inspectorate>*

Linked cases: APP/T2405/C/25/3377144, APP/T2405/W/25/3377361



## Appeal Decisions

Hearing held and site visit made on 21 April 2026

by **M Madge Dip TP MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 June 2026

**Appeal A Ref: APP/T2405/C/25/3377143**

**Appeal B Ref: APP/T2405/C/25/3377144**

**Land to the east of Sycamore Street, Blaby, Leicestershire**

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal A is made by Mr Martin McDonagh and appeal B is made by Ms Theresa McDonagh against an enforcement notice (notice) issued by Blaby District Council.
- The notice was issued on 28 November 2025.
- The breach of planning control as alleged in the notice is “The unauthorised material change of use of the land to a residential caravan site by the siting of a caravan and a mobile home on the Land with associated operational development.”
- The requirements of the notice are:
  - (i) Permanently cease the use of the Land as a residential caravan site
  - (ii) Permanently remove from the Land all caravans, mobile homes, vehicles, trailers and all paraphernalia brought onto the Land to facilitate the residential use
  - (iii) Permanently remove all fencing and gates from the Land
  - (iv) Permanently remove all hardstanding, aggregate and wood chippings from the Land
  - (v) Remove any resultant debris from the Land
  - (vi) Restore the Land to its previous condition
- The period for compliance with the requirements is six months after the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c) and (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.

**Summary of Decision: The appeals are dismissed and the enforcement notice is upheld with corrections and variations in the terms set out below in the Formal Decision.**

**Appeal C Ref: APP/T2405/W/25/3377361**

**Land on the East Side of Sycamore Street (Caravan Site), Blaby, Leicester  
LE8 4FJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the 1990 Act) against a refusal to grant planning permission.
- The appeal is made by Mr Martin McDonagh against the decision of Blaby District Council.
- The application Ref is 25/0723/FU.
- The development proposed is “*Change of use of land to enable standing of residential static caravan to include ancillary works. Partly retrospective.*”

**Summary of Decision: The appeal is allowed, subject to conditions.**

### The Enforcement Notice

1. It is incumbent upon me to put the notice in order, if necessary. The notice allows the appellants to know what they have done wrong and what they need to do to put it right. It does however include superfluous words and lacks precision in relation to the steps required to be taken.
2. It was agreed at the Hearing that, as ‘caravan site’ is defined in statute, the inclusion of the words “*by the siting of a caravan and a mobile home on the Land*” is unnecessary. The allegation shall be corrected by their deletion.

3. The “*associated operational development*” referred to in the allegation comprises the erection of fencing and gates, and the creation of hardstanding by the laying of aggregate referred to in the requirements. There is no dispute that these specific works have occurred. It was agreed at the Hearing that the allegation shall be corrected to include these specifically identified operations for clarity and precision. The corrected allegation shall therefore be worded:

*“Without planning permission, the material change of use of the Land to use as a caravan site facilitated by the erection of fencing and gates, and the laying of hardstanding.”*

4. Furthermore, it was agreed that the plan attached to the notice should be corrected to identify the location of the hardstanding, fencing, and gates. The Council handed up an amended plan, which has been agreed by the appellants (DOC 2).
5. Turning to the requirements, step (i) need only require the use to cease. Step (iii) shall be varied to refer to the fencing and gates identified in DOC 2. While “*wood chippings*” are referred to in step (iv), the Council confirmed their inclusion is an error and should be deleted. Use of the word “*permanently*” in any of the steps is unnecessary as the notice will remain extant if upheld. I shall vary the steps accordingly.
6. The corrections and variations outlined above will provide clarity and precision to the notice. I am therefore satisfied injustice would not be caused to the appellant or Council.

### **Preliminary Matters**

7. The Hearing was live streamed and recorded by the Council with the agreement of the appellants and no objections were received from interested parties present.
8. It is a matter of common ground that the appellants meet the definition set out in Annex 1 of the Planning Policy for Traveller Sites (PPTS).
9. The description of development in appeal C is usually taken from the application form, which in this case identifies the proposed development as “*Change of use of land to enable standing of residential static caravan to include ancillary works. Partly retrospective.*” It was confirmed at the Hearing that the “*Change of use of land to enable standing of residential static caravan. Erection of new entrance gates.*” set out in the Council’s refusal notice had not been agreed by the appellant.
10. I find both the appellants’ and the Council’s descriptions of development to be imprecise and ambiguous. Following discussion with the appellants, Council and interested parties present at the Hearing, the proposed development for which Appeal C is seeking planning permission for was agreed as “*use of land as a caravan site, the erection of fencing and gates, and the laying of hardstanding.*” I shall proceed on this basis.
11. Section 174(2A) of the 1990 Act says that an appeal may not be brought on ground (a) of section 174 (2) if the enforcement notice was issued at a time after the making of an application for planning permission that related to the enforcement notice. Section 174 (2AA) states that “*an application for planning permission for the development of any land is related to an enforcement notice if*

*granting planning permission for the development would involve granting planning permission in respect of the matters specified in the enforcement notice as constituting a breach of planning control.”* The corrected matter alleged and the agreed description of development to which Appeal C relates are the same development.

12. Appeals A and B are therefore barred from consideration on ground (a) having regard to section 174 (2AA). The appellants are not however prejudiced as whether planning permission should be granted for the development will be determined in respect of Appeal C.
13. Further, the appellants withdrew the appeals on grounds (b) and (c) of the s174 of the 1990 Act<sup>1</sup> in advance of the Hearing opening. Appeals A and B shall therefore only be considered on ground (g).

## **Background**

14. There are several previous planning applications relating to the development of the appeal site. That of most relevance is application reference 20/0140/FUL, which was for *“Change of use of Land for the stationing of caravans for residential purposes for 2 no. Gypsy pitches, together with the formation of hardstanding and utility/day room ancillary to that use (revised scheme)”*. Following the Council’s refusal of that application, the subsequent appeal<sup>2</sup> was dismissed on 21 November 2022 (the previous appeal).
15. The previous Inspector (Inspector Price) found that the proposed development would have a significant adverse effect on the wooded area forming the appeal site, and thereby the character and appearance of the area through the erosion of this woodland foil to the dense development opposite. Furthermore, while it would cause less than substantial harm to the character of the conservation area and the setting of the listed Blaby Hall and Icehouse, the harm was at the highly adverse level on the scale. Inspector Price acknowledged the difficulties faced by Gypsies in gaining planning permission for culturally appropriate accommodation. However, the considerable importance and weight to be attributed to the heritage harms would not be clearly and decisively outweighed by the public benefit of that modest development in their view.
16. Since that appeal was dismissed there has been no change to the development plan. The National Planning Policy Framework (Framework) and the PPTS have however both been revised.

## **Appeal C**

17. The appeal site is within the setting of Blaby Hall and the Icehouse, which are Grade II listed buildings, and it is within the Blaby Conservation Area (the CA). I am aware of my statutory duty arising from sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. I have respective duties to have special regard to the desirability of preserving the settings of these listed buildings and to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.

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<sup>1</sup> Town and Country Planning Act 1990 as amended

<sup>2</sup> APP/T2405/W/20/3264047

18. This appeal was not made under section 73A of the 1990 Act as amended, i.e. to secure planning permission for development that had already occurred. However, there is no dispute that the development identified in the corrected description has already been carried out and I shall proceed on this basis.
19. The **main issues** are:
- the suitability of the location to accommodate the development;
  - the effect of the development on the character and appearance of the area, including the Blaby Conservation Area and the setting of Blaby Hall and the Icehouse;
  - the effect of the development on biodiversity, with regards to loss of habitat, impact on protected species, and provision of lighting; and
  - whether any other considerations would outweigh any identified harm and/or policy conflict.

## Reasons

### *Location*

20. Outside the Principal Urban Area (PUA)<sup>3</sup>, policy CS1 of the Blaby District Core Strategy (February 2013) (BDCS) states development will be focussed within and adjoining Blaby as it contains a good range of services and facilities, and a range of transport modes are available. Policy CS9 of the BDCS requires new traveller sites to be within a reasonable distance of settlements to ensure access to services, while policy SA4 of the Blaby District Local Plan Delivery DPD (February 2019) (LPD) requires new traveller sites to be immediately adjoining settlement boundaries. Policy BNP3 of the Blaby Neighbourhood Plan (BNP) confirms that land outside the limits of built development is countryside, amongst other things.
21. Also of relevance to this proposal, Policy CS18 of the BDCS states development in the countryside will not be permitted if it adversely effects the character and appearance of the landscape, and that retaining countryside will be balanced against the need to provide new housing development in the most sustainable locations.
22. Policy DM2 of the LPD sets out the circumstances and criteria that development proposals in the countryside will be expected to meet, including consistency with policy CS18 of the BDCS. Policy BNP3 does not preclude development in the countryside in principle. The appeal site is outside the settlement boundary and therefore in the countryside. The need to retain countryside needs to be balanced against the need to provide new development, which would include the provision of traveller pitches.
23. The appeal site adjoins the settlement boundary of Blaby. As such, in principle, it is suitably located in policy terms, and I find no conflict with the relevant criteria of policies CS1, CS9 and CS18 of the BDCS, policies DM2 and S4 of the LPD or policy BNP3 of the BNP.

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<sup>3</sup> The PUA comprises the built-up areas of Glenfield, Kirby Muxloe, Leicester Forest East, Braunstone Town and Glen Parva

### *Character and Appearance*

24. The reasons for refusal refer to policies CS2 and CS20 of the BDCS, and policies DM2 and DM12 of the LPD. Policies CS2 and CS20 promote strategic objectives relating to the design of new development in relation to the historic environment. They require development to be appropriate to its context, to have taken account of local development patterns and to be sympathetic to their surroundings, amongst other things. Policy DM12 of the LPD seeks to avoid harm to the district's heritage assets and confirms development that conserves or enhances the historic environment will be supported. Policy BNP8 of the BNP sets out criteria new development will be expected to meet in design terms.
25. The Framework requires that when considering a development's impact on the significance of a designated heritage asset, great weight should be given to its conservation, irrespective of the level of harm. Furthermore, any harm to the significance of a designated heritage asset from development within its setting would require clear and convincing justification.
26. The appeal site occupies a segment of thickly vegetated land along Sycamore Street, opposite the main settlement edge and fronting Bouskell Park and the grounds to Blaby Hall. It is a matter of common ground that the site once contained allotments, which became overgrown with vegetation, some of which has been cleared to accommodate the development.
27. The appellants do not dispute that it was established in the previous appeal that the wooded area the appeal site occupies is a prominent townscape feature in the centre of Blaby, located between a main road and Bouskell Park. Further, it was agreed the woodland emphasises the division between the suburban settlement and open parkland east of Sycamore Street, which comprises a distinguishable part of the area's character.
28. Since the previous appeal was considered, a Tree Replacement Notice (TRN) has been complied with. This addresses the unauthorised tree felling which occurred within the appeal site. During the site visit we saw that nine trees have been planted, as required by the TRN. There is no suggestion that these nine trees do not accord with the schedule and plan included in the TRN. I shall proceed on the basis that the unauthorised tree felling has been satisfactorily resolved.
29. While I appreciate that the nine trees will take time to mature, there is no reason for me to doubt that they were considered sufficient to address the harm caused to the woodland by the unauthorised felling. We saw that the siting of the caravan, laying of hardstanding, and erection of fencing and gates do not affect the replacement tree planting, which is located beyond the area of hardstanding and the vehicular access.
30. The development proposal sits within the established spread of pre-existing and replacement tree planting and would not constrain the regrowth or natural spread of trees within this wooded area. I am therefore satisfied that the previous harm to the woodland, which was found to diminish its contribution as a foil to the dense development opposite, has been addressed.
31. The quantum of development is reduced from that considered in the previous appeal; where two pitches and a new vehicular access were proposed. Now a

single traveller pitch, accessed via a single point of vehicular access, which is claimed to predate the development, is proposed.

32. The appellants claim there were a pair of gates in the approximate position of the current entrance, which have been replaced. The photographic evidence provided shows a single entrance gate, overgrown with vegetation, and a dropped kerb adjacent to the approximate position of the vehicular access. A pair of gates, which are claimed to be those visible in the Google street view image<sup>4</sup>, were shown to the attendees of the site visit. However, only a single gate and a pedestrian access route through the hedgerow is visible in the image I have been provided with.
33. Even if I accept that there was a vehicular access in this position previously, it does not change the fact that the access has been widened, the gate positions have been moved back into the site and tall fencing has been erected between the retained hedgerow and the new gate positions. The tall fencing sits roughly perpendicular to the hedgerow, which effectively screens the fencing and gates in longer distance views. The fencing and gates are however particularly apparent in views from Welford Road. The hardstanding, caravan and associated domestic paraphernalia have little visual impact on the streetscene, unless the gates are left open.
34. Notwithstanding the limited views of the development available, it is a discordant feature within the otherwise undeveloped and thickly vegetated character of this prominent stretch of land adjacent to Bouskell Park and fronting the grounds to Blaby Hall. The development therefore constitutes a highly incongruous feature, out of keeping with its surroundings, unrelated to the prevailing pattern of development. As such, it causes substantial harm to the townscape character of this prominent and sensitive part of Blaby.
35. Painting the fencing and gates an appropriate colour would reduce their visual incongruity. There may also be scope for some species of climbing plant to grow over the fencing to further blend the fencing into the streetscene, which would further reduce its visual presence and thereby the harm to the townscape character.
36. The appellant and Council confirmed their agreement with Inspector Price's definition of the CA's significance, which he found derives from it defining Blaby's historic form. I see no reason to disagree with Inspector Price in this regard. The CA's historic form comprises the early development concentrated to the north of Church Street and the contrastingly open parkland laid out around Blaby Hall to the south. Subsequently, development condensed within the northern historic core and spread outwards, while still preserving the open parkland around Blaby Hall. The parkland endures as an important feature of the settlement's historic morphology and the creation of Bouskell Park has safeguarded the long-term future of a large part of this parkland landscape. Bouskell Park is now a well-used public amenity, allowing many people to experience and better appreciate these historic surroundings.
37. While it cannot be ruled out that the appeal site formed part of the grounds to Blaby Hall at some point in the past, it is agreed that the land was formerly used as allotments. While evidence remains on the appeal site of some modest development associated with the allotment use, historic maps show that this area

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<sup>4</sup> Tab 1 of the appellants' Statement of Case

has remained undeveloped and it has become absorbed into the woodland fringes of the historic parkland. I therefore agree with Inspector Price that the development proposal would comprise a starkly anomalous feature within this parkland setting. Furthermore, this isolated incursion into the verdant fringes of the historic parkland bears no relation to the prevailing pattern of development or the general way Blaby has grown.

38. For these reasons, the development fails to preserve or enhance both the character and appearance of the CA, and it is therefore harmful to this designated heritage asset, as far as it erodes the verdant fringe to the historic parkland. The harm to the character and appearance of the CA is less than substantial and, given the differences identified above between the development and the previous appeal scheme, I find that the harm sits at the lower end of the scale. To reflect my section 72(1) duty, this matter remains of considerable importance, and great weight shall be attached to it.
39. Inspector Price reported the significance of the grade II Blaby Hall to be the expansive grounds which provide a setting befitting a grand nineteenth century country house. This significance had not been diminished by the current use of Blaby Hall as offices. The grade II listed Icehouse is a feature associated with the historical running of a large country house. It is located within the former grounds of Blaby Hall, now part of Bouskell Park. The publicly accessible Bouskell Park allows Blaby Hall and the Icehouse to be appreciated within a formally landscaped setting, screened by wooded surroundings from the suburban parts of the settlement.
40. The appellants dispute that the appeal site is within the setting of Blaby Hall and the Icehouse as they assert it has never formed part of Blaby Hall's grounds and is not within its curtilage. The Framework however defines 'setting' as "*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.*" The development lies within the wooded surroundings of the formally landscape parkland within which the listed buildings are experienced. I therefore disagree with the appellants claim and find the appeal site is within the setting of Blaby Hall and the Icehouse.
41. The lack of intervisibility between the appeal site and either Blaby Hall or the Icehouse does not prevent the development impinging upon the setting of these listed buildings as it affects how both are experienced as designated heritage assets. While the resulting harm is less than substantial, the development's erosion of the wooded surroundings is significantly adverse, particularly in relation to the significance of Blaby Hall, to which I shall give considerable importance and great weight in accordance with my section 66(1) duty.
42. The development's failure to preserve the character or appearance of the CA or the setting of Blaby Hall and the Icehouse brings it into conflict with policy CS20 of the BDCS, policy DM12 of the LPD and BNP8 of the of the BNP. This is insofar as new development is required to preserve or enhance the historic environment within Blaby and its designated heritage assets.

#### Biodiversity

43. The appeal site does not have any national or local designation relevant to the natural environment. While the Council allude to the appeal site providing habitat for bats and water vole, there is no substantive evidence to that effect. As already

set out, the appeal site is in a woodland fringe, has a mature hedgerow along its boundary with Sycamore Street and its boundary with Bouskell Park is adjacent to a watercourse. Given these natural features, it provides, more likely than not, foraging opportunities and commuting routes for a range of wildlife species.

44. As development has occurred biodiversity net gain is not required. It was however agreed during the Hearing that measures could be taken to enhance biodiversity on the appeal site. Subject to imposing a mechanism to secure biodiversity enhancement, the development proposal would comply with policy CS19 of the BDCS and policies SA4 and DM2 of the LDP, which seek to protect and enhance biodiversity and wildlife habitats, and control light pollution, amongst other things.

#### Other Considerations

##### *Need for Traveller Pitches and Supply*

45. The Blaby Gypsy and Traveller and Travelling Show People Accommodation Assessment 2022 forms the Council's latest position statement. It confirms there is a significant shortfall in provision. It identifies a need for 93 traveller pitches up to 2041, with an immediate need for 41 pitches. During the Hearing, the Council referred to there currently being planning applications pending that would provide approximately 38 traveller pitches and that they would be making a call for sites as part of their local plan review. In the absence of specific details relating to these other planning applications, I am not convinced that there is no immediate need for sites. Furthermore, it was agreed that the Council does not have a 5 year land supply to meet traveller need.
46. A lack of a 5 year land supply to accommodate traveller pitches could trigger paragraph 11 (d) of the Framework. However, it was agreed at the Hearing that footnote 7 is applicable in this case as other policies in the Framework, relating to the preservation and enhancement of heritage assets, provide a strong reason for resisting the development.
47. The Council do not however dispute that there are no reasonably available alternative sites to which the appellants could move if the appeal is not successful. The appellants confirmed that if they could not stay on the appeal site, they would undoubtedly have to live a roadside existence.

##### *Human Rights and the Public Sector Equality Duty*

48. Article 8 of the Human Rights Act 1998 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. Article 8(2) provides that interference may be justified where it is in the interests of, amongst other things, the economic well-being of the country, which has been held to include the protection of the environment and upholding planning policies. I am also 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.
49. Furthermore, in exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment,

and victimisation and to advance equality of opportunity. The Act recognises that race constitutes a relevant protected characteristic for the purposes of PSED. Romany Gypsies and Irish Travellers are ethnic minorities and thus have the protected characteristic of race.

50. It is undisputed by the Council that the household present on the site includes three young children aged twelve years, eight years, and three years, respectively. Reference was made at the Hearing to the older two children being driven to the primary school at Caldecote, which is a short distance from the site, and that a nursery place is being sought for the youngest child.
51. There can be no doubt that if the appeal were unsuccessful, it would take away a settled base for this household, who may potentially need to resort to living on the roadside and face disruption to the children's educational provision as a result. I am mindful that it may be difficult to enrol children in school and /or maintain the children's attendance if they have no fixed address. I consider that because there would be a clear benefit to the children of remaining on site, as part of a settled base, that this should attract significant weight in the planning balance.

#### *Personal Circumstances*

52. The appellants personal circumstances were considered by Inspector Price in the determination of the previous appeal. At that time the appellants, and their two eldest children, were living with appellant B's parents in local authority housing. Inspector Price found that the family's health and educational needs were being met where they were residing, despite acknowledging that living in bricks and mortar accommodation was causing distress and health repercussions.
53. The appellants told of how they have lived a roadside existence on and off since they married in 2012. Moving in with appellant B's parents was a means to secure school places for their elder children. The dwelling was however overcrowded, and the appellants felt compelled to leave. In the absence of any other option, they moved on to the appeal site.
54. Since the previous appeal, the appellants' have had a third child, who is now three years old. The two elder children continue to attend Caldecote Primary School. These school places were secured while living in bricks and mortar accommodation. However, as the appeal site does not have the benefit of planning permission, it has no postal address, and securing school places nearer to the appeal site and a nursery place is not currently possible.

#### *Intentional Unauthorised Development*

55. A Written Ministerial Statement (WMS) dated August 2015 establishes that Intentional Unauthorised Development (IUD) is a material consideration to be weighed in the determination of planning applications and appeals. The WMS relates to all forms of development not just that relating to traveller sites. While it places particular emphasis on IUD in the Green Belt, it still applies to sites such as this. Part of the underlying reason for seeking to deter IUD is to avoid prejudicing the opportunity to mitigate the impact of development by using planning conditions.
56. The appeal site had been purchased (partly) by the appellants and planning applications to use the site as traveller pitches have been previously considered. The appellants were undoubtedly aware of the consistent opposition to the

development of the appeal site for any form of development, not just for traveller pitches. Notwithstanding the outcome of those planning decisions, given the overcrowding issue the family were experiencing and the lack of suitable alternative accommodation, the unauthorised development was an inevitable outcome in my view.

57. The planning application the subject of this appeal was lodged, which provides for the development to be controlled by condition, and for any harm to be addressed by conditions as required. The main IUD concern is therefore addressed. The 1990 Act makes provision for a grant of retrospective planning permission, including the imposition of conditions. Furthermore, planning enforcement is remedial rather than punitive. The intentional unauthorised nature of the development therefore attracts negligible weight in my judgement.

#### *Highway Safety*

58. The vehicular access serving the development is opposite the Welford Road junction with Sycamore Street. While these are both arterial routes, their geometry and location within a primarily residential area are such that passing traffic will not be travelling at excessive speed. Vehicles entering the site can pull clear of the carriageway when the gates are closed. Also, visibility of the carriageway for drivers leaving the site is sufficient in my judgement to ensure the development does not cause a risk to other vehicular highway users.
59. I saw that the adjacent footways are well used by pedestrians. The frontage hedgerow obscures visibility of the footway from drivers emerging from the appeal site. The suggested provision of 45 degree visibility splays at both sides of the entrance would adequately address this deficiency. I am satisfied that with the provision of pedestrian visibility splays, the development has no significant adverse effect on highway safety.

#### Planning Balance

60. As set out by Inspector Price, the planning balance is that required under planning law, whereby this appeal should be determined in accordance with the development plan, unless material considerations indicate otherwise<sup>5</sup>. The conflict with the development plan arises from the less than substantial harm caused by the development to the significance, character, and appearance of the designated heritage assets, to which I attribute great weight in accordance with paragraph 212 of the Framework.
61. Intentional unauthorised development carries negligible weight against the development.
62. Inspector Price acknowledged the Council's previous under supply of sites but in his view that previous proposal for two pitches would make a relatively small contribution towards the under supply. However, some three and a half years have passed since that decision, and the Council still has an acknowledged under supply of sites. I therefore attach moderate weight to the Council's failure to provide a 5-year supply of deliverable sites, there being an immediate need for pitches and lack of available alternative sites to accommodate the appellants and their children.

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<sup>5</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990

63. The site occupiers' personal circumstances have also changed since Inspector Price's decision. The appellants now occupy the appeal site. Having to leave the appeal site would most likely lead to them moving to a roadside existence. It is generally held that a roadside existence is not in the best interests of the child. Furthermore, the courts have held that no other consideration can be inherently more important than the best interests of the child. I therefore attach great weight to the appellants' personal circumstances.
64. Having regard to the PPTS, even when considering the best interests of the child, I find the considerations in support of the development proposal do not outweigh the harm identified. The grant of a permanent planning permission would not therefore be appropriate.
65. I also need to consider, by way of alternatives, the possibility of temporary or personal planning permissions instead. In principle I consider that a temporary permission (personal to the occupiers) would serve to reduce the severity of harm identified because the development proposal relates primarily to a use of the land, and returning the land to its condition before the development occurred would not be unduly complicated. It would also allow for an increased possibility of alternative suitable sites becoming available within the district, either through the emerging local plan process or grant of planning permission elsewhere. Securing land for pitches through the local plan process can take an inordinate amount of time. Further, planning application proposals are most often to meet the needs of specific travellers rather than the general provision of pitches. On this basis I find a three-year period would be appropriate.
66. By contrast a temporary planning permission that was not personal to the occupiers would be inappropriate as the grant of temporary permission can only be justified by the additional weight of the personal circumstances attributable to the best interests of their children.
67. I therefore find a temporary permission would meet the personal needs of the appellants and their family, while ensuring the less than substantial harm to the designated heritage assets is not permanent.

### Conditions

68. I have considered the suggested conditions provided by the Council, which were discussed at the Hearing. Conditions confirming that the planning permission is granted for a temporary period of three years only; that occupation is restricted to the site occupiers and their resident dependents and requiring remediation of the site following the expiry of the temporary permission or prior cessation of use are necessary to define the development permitted.
69. Conditions limiting the number of pitches and caravans stationed, the size of vehicles parked, and the preclusion of commercial activities are necessary in the interests of helping to safeguard the character and appearance of the area and the living conditions of residents, and in the interests of environmental protection.
70. A condition confirming the loss of the permission unless details are submitted for approval (including a timetable for implementation and future maintenance) concerning: colour finish of the fencing and gates, landscaping, biodiversity enhancements, pedestrian visibility splays, use of plant/machinery, foul and surface water drainage, external lighting, and the internal site layout are required

in order to ensure the site is serviced with adequate infrastructure and to help safeguard the character and appearance of the area and the living conditions of residents. This scheme shall hereafter be referred to as the site development scheme.

71. A condition preventing the provision of any additional external lighting other than that approved in the site development scheme is also required in the interests of general amenity.
72. A condition requiring the implementation of the development is not required as the development has already been carried out. A condition restricting occupation to any persons meeting the Annex 1 of the PPTS definition is unnecessary as the permission is personal to the appellants, who are agreed as meeting the definition. A condition requiring the development to be carried out in accordance with the submitted plan is not necessary as the site layout, etc. will form part of the site development scheme which is required to be submitted for approval.

### Conclusions

73. For the reasons given above, other considerations provide clear and convincing justification for the development to be permitted on a personal and temporary basis, contrary to the development plan. Appeal C should be allowed.

### **Appeals A and B on Ground (g)**

74. Appeals made under this ground are that the period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed. The appellants contend that they will not be able to find a suitable alternative site upon which to live in a period of six months. They identify 18 months as a reasonable period.
75. Given the success of Appeal C, in accordance with section 180 (1) of the 1990 Act, the notice will cease to have effect insofar as it is inconsistent with that permission. Extending the compliance period is therefore unnecessary as the notice will cease to have effect for the duration of the temporary permission. The temporary period of three years is considerably longer than the 18 months requested.
76. For the above reason, the appeal on ground (g) fails.

### **Formal Decisions**

#### **Appeals A and B**

77. It is directed that the enforcement notice is corrected by:
  - *the deletion of the words “The unauthorised material change of use of the land to a residential caravan site by the siting of a caravan and a mobile home on the Land with associated operational development.” and their substitution with the words “Without planning permission, the material change of use of the Land to use as a caravan site facilitated by the erection of fencing and gates, and the laying of hardstanding.” in section 2; and*
  - *the substitution of the plan annexed to this decision for the plan attached to the enforcement notice.*

And varied by:

- *the deletion of the words “Permanently cease the use of the Land as a residential caravan site” and their substitution with the words “Cease the use.” in section 4. (i);*
- *the deletion of the words “Permanently remove” and their substitution with the word “Remove” in section 4. (ii);*
- *the deletion of the words “Permanently remove all fencing and gates from the Land” and their substitution with the words “Remove from the Land the fencing and gates coloured blue in the plan attached to the notice.” in section 4. (iii); and*
- *the deletion of the words “Permanently remove all hardstanding, aggregate and wood chippings from the Land” and their substitution with the words “Remove from the Land all hardstanding and aggregate from the area edged green in the plan attached to the notice.” in section 4. (iv).*

Subject to the corrections and variations, the appeals are dismissed and the enforcement notice is upheld.

### **Appeal C**

78. The appeal is allowed and planning permission is granted for the use of land as a caravan site, the erection of fencing and gates, and the laying of hardstanding at Land on the East Side of Sycamore Street (Caravan Site), Blaby, Leicester LE8 4FJ in accordance with the terms of the application, Ref 25/0723/FU, and the plans submitted with it, subject to the conditions in the attached schedule.

*M Madge*

INSPECTOR

## Plan

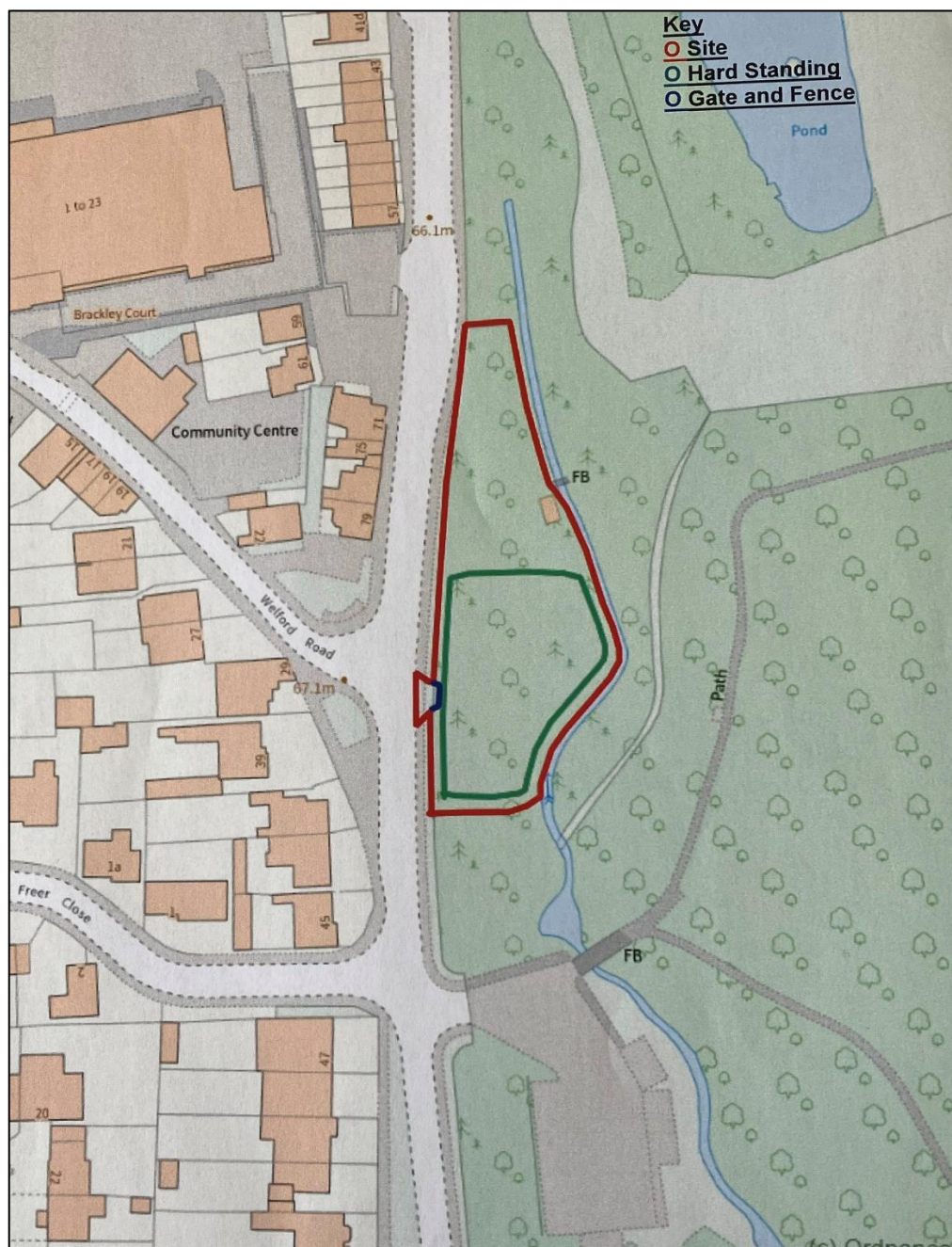
This is the plan referred to in this decision dated: 01 June 2026

by M Madge

Land at: Caravan Site, Sycamore Street, Blaby, Leicestershire LE8 4FJ

Reference: APP/T2405/C/25/3377143 & APP/T2405/C/25/3377144

Scale: Not to Scale



## SCHEDULE OF CONDITIONS

- 1) The use hereby permitted shall be carried on only by Mr Martin McDonagh, Ms Theresa McDonagh and their resident dependants, and shall be for a limited period being the period of three years from the date of this decision, or the period during which the premises are occupied by them, whichever is the shorter.
- 2) When the premises cease to be occupied by those named in condition 1 above, or at the end of three years, whichever shall first occur, the use hereby permitted shall cease and all caravans, structures, materials and equipment brought onto, or erected on the land, or works undertaken to it in connection with the use (with the exception of perimeter fencing and gates), shall be removed and the land restored to its condition before the development took place.
- 3) There shall be no more than one pitch on the site, comprising of no more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, stationed on the site at any time (of which no more than one shall be a static caravan).
- 4) No commercial activities shall take place on the land, including the storage of materials.
- 5) The use hereby permitted shall cease and all caravans, structures, equipment, and materials brought onto the land for the purposes of such use shall be removed within **28 days** of the date of failure to meet any one of the requirements set out in i) to iv) below:
  - i) Within **three months** of the date of this decision a scheme for: the colour finish of the fencing and gates; biodiversity enhancements; the means of foul and surface water drainage of the site; proposed and existing external lighting within the site; the internal layout of the site including the vehicular access, siting of caravans, hardstanding, parking and amenity areas; the provision of 2.0 m by 2.0 m pedestrian visibility splays; soft and hard landscaping details; and details of any plant/machinery providing electricity or other utilities to the occupiers of the land (hereafter referred to as the 'site development scheme') shall have been submitted for the written approval of the local planning authority and the site development scheme shall include a timetable for its implementation and maintenance;
  - ii) If within **nine months** of the date of this decision the local planning authority refuse to approve the site development scheme or fail to give a decision within the prescribed period, a valid appeal shall have been made to the Secretary of State;
  - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State;
  - iv) The approved site development scheme shall have been carried out and completed in accordance with the approved timetable and shall thereafter be retained for the lifetime of the development.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 6) No external lighting, other than as approved as part of the site development scheme, shall be installed on the site until such details (including luminance levels and measures to minimise light spillage) have been submitted to and approved in writing by the local planning authority.

**END OF SCHEDULE OF CONDITIONS**

## **APPEARANCES**

### FOR THE APPELLANT:

Mr Stuart Carruthers	Agent
Mr Martin McDonagh	Appellant
Mrs Theresa McDonagh	Appellant

### FOR THE LOCAL PLANNING AUTHORITY:

Mr Jonny Hodge	Group Manager Planning & Strategic Group Manager
Mr Glen Baker-Adams	Development Services & Enforcement Manager
Mr Lloyd Bird	Principal Conservation Officer
Ms Sally Hames	Planning Enforcement Officer

### INTERESTED PARTIES:

Mr Graham Harding	Blaby Parish Council
Mr Ian Warner	Local resident
Mr Paul Cooper	Local resident
Mrs Andrea Cooper	Local resident
Mr Steven Murphy	Local resident

## **DOCUMENTS**

DOC1 Paediatrician Information from School for one child

## **PLANS**

DOC2 Amended Enforcement Notice Plan

**IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990**

**ENFORCEMENT NOTICE**

ISSUED BY: Blaby District Council

**THIS NOTICE** is issued by the Council because it appears to it that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the above Act, at the Land described below. The Council consider that it is expedient to issue this notice, having regard to the provisions of the Development Plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

**1. THE LAND TO WHICH THE NOTICE RELATES**

Land to the East of Sycamore Street, Blaby, Leicestershire shown edged red on the attached plan. ("the Land").

**2. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

The unauthorised material change of use of the land to a residential caravan site by the siting of a caravan and a mobile home on the Land with associated operational development.

**3. REASONS FOR ISSUING THIS NOTICE**

- a) It appears to the Council that the above breaches of planning control have occurred on the Land to which this notice relates within the last ten years.
- b) The Land is located to the east of Sycamore Street, Blaby and is accessed directly off Sycamore Street, by virtue of a gated access point, set back from the Highway boundary. Sycamore Street is a classified C road which is a prominent thoroughfare through Blaby, with connections to neighbouring areas of Countesthorpe and Whetstone. The Land is bounded by Bouskell Park to the east and south, a residential housing estate to the west and the Land of the Grade II Listed Building Blaby Hall to the north.
- c) The Land is located outside of the settlement boundary of Blaby and is situated in land designated as Countryside (as identified on the Policies Map of the Blaby District Local Plan (Delivery) Development Plan Document (2019). The Land is also noted is being within the Blaby Conservation Area.

- d) The District Planning Authority considers that the unauthorised use and associated gates, fencing and areas of hardstanding represent an accumulation of discordant features that have a harmful and unduly urbanising impact upon the verdant green street scene of Sycamore Street and Welford Road, along with the parkland setting of Bouskell Park, and is significantly out of keeping with the prevailing character and appearance of the area. Coupled with this, the creation of the enlarged access by virtue of the removal of a sizeable section of the mature boundary hedgerow significantly harms the character and appearance of the streetscape and fails to conserve or enhance the wider setting of Blaby Conservation Area, causing less than substantial to its heritage significance. Therefore, the unauthorised development is contrary to Policies CS2, CS9, CS18 and CS20 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013), Policies, SA4, DM2 and DM12 of the of the Blaby District Local Plan (Delivery) Development Plan Document (2019), as well as policies BNP1, BNP3 and BNP8 of the Blaby Neighbourhood Plan (2018).
- e) The unauthorised development lies within a heritage sensitive location due to the presence of several significant historic buildings that are listed on the National Heritage List for England within its close proximity. It is considered that the development has had a negative impact on the setting of some of these listed buildings, with those considered most affected to include Blaby Hall (Grade II) on Church Street, the Boundary Walls to Blaby Hall Grounds (Grade II) on Sycamore Street, and the Ice House located 150m South East of Blaby Hall (Grade II) within Bouskell Park. The site is visually appreciable from the surroundings in which these heritage assets are experienced and include part of Blaby's townscape and the historic parkland which surrounds Blaby Hall. The development currently in situ has discernibly changed how the site is perceived within the setting of these heritage assets, and as a result, has had a negative impact in that regard, causing less than substantial harm to their heritage significance. Therefore, the unauthorised development fails to conserve or enhance the setting of these designated heritage assets and conflicts with Policy CS20 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013) and policies SA4 and DM12 of the Blaby District Local Plan (Delivery) Development Plan Document (2019).
- f) Finally, the District Planning Authority considers that the unauthorised development in this location is inappropriate and that there is no compelling justification to demonstrate its retention. The development is therefore considered contrary to Policies C2, CS9, CS18 and CS19 of the Blaby District Local Plan (Core Strategy) Development Plan Document (2013), Policies SA4 and DM2 of the Blaby District Local Plan (Delivery) Development Plan Document (2019) and policies BNP1, BNP3 and BNP8 of the Blaby Neighbourhood Plan (2018). There is also conflict with paragraphs 11, 12, 202, 207 and 210 of the National Planning Policy Framework and paragraph 27 of the Planning policy for traveller sites.

#### **4. WHAT ARE YOU REQUIRED TO DO**

- (i) Permanently cease the use of the Land as a residential caravan site
- (ii) Permanently remove from the Land all caravans, mobile homes, vehicles, trailers and all paraphernalia brought onto the Land to facilitate the residential use
- (iii) Permanently remove all fencing and gates from the Land
- (iv) Permanently remove all hardstanding, aggregate and wood chippings from the Land
- (v) Remove any resultant debris from the Land
- (vi) Restore the Land to its previous condition

#### **5. TIME FOR COMPLIANCE**

The period of compliance shall be six months after this notice takes effect.

#### **6. WHEN THIS NOTICE TAKES EFFECT**

This notice takes effect on 31 December 2025 unless an appeal is made against it before that date.

Dated: 28 November 2025

Signed:



Jonathan Hodge  
Planning and Strategic Growth Group Manager

on behalf of:  
Blaby District Council  
Council Offices  
Narborough  
Leicester  
LE19 2EP

## **ANNEX**

### **YOUR RIGHT OF APPEAL**

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before the date specified in paragraph 7 of the notice. Please read the attached note from the Planning Inspectorate which accompanies this notice.

### **WHAT HAPPENS IF YOU DO NOT APPEAL**

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.

**PERSONS SERVED WITH ENFORCEMENT NOTICE**

**Town and Country Planning (Enforcement Notices & Appeals) (England)  
Regulations 2002 Part 2, 5(c)**

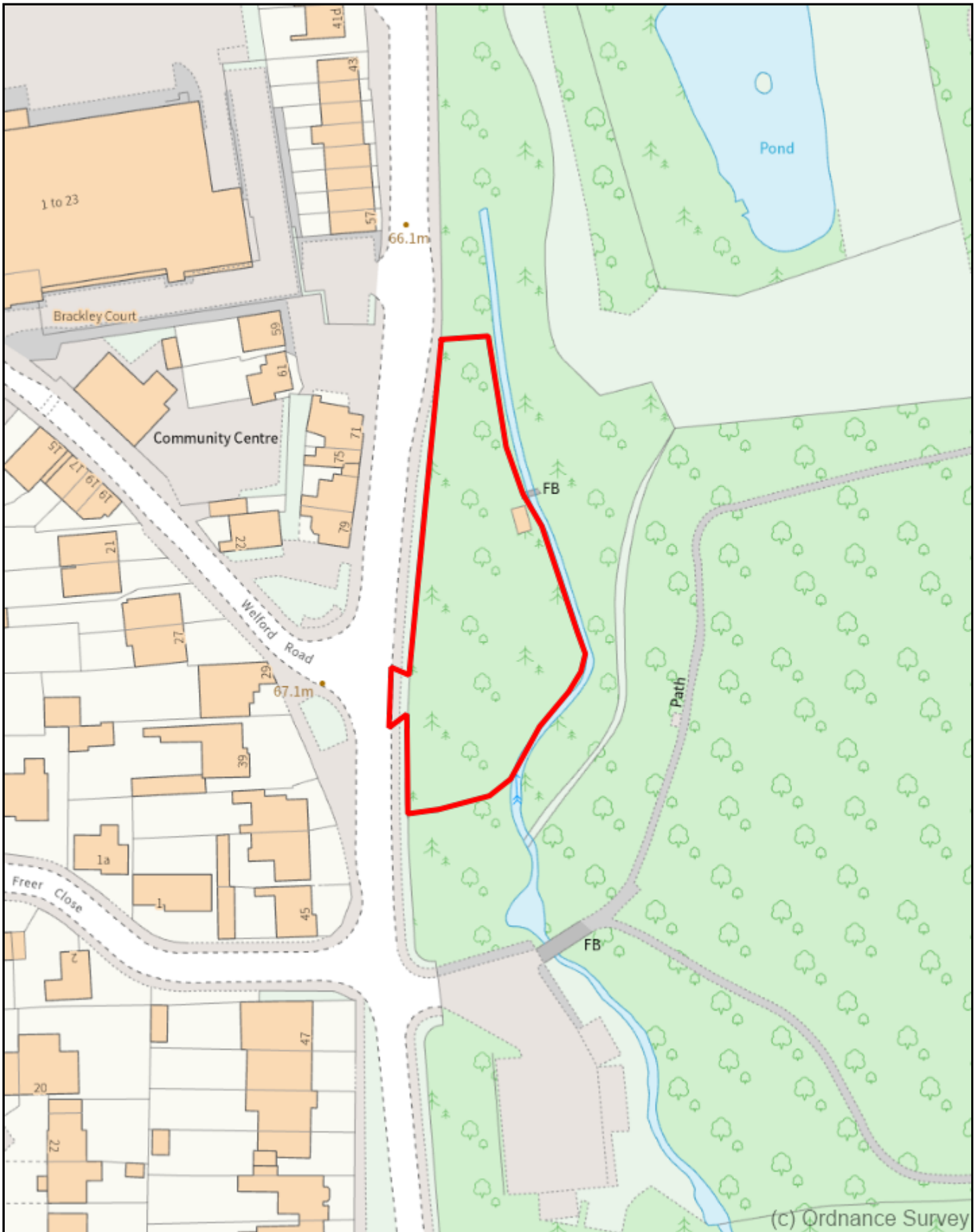
Mr Martin McDonough  
Land to the East of Sycamore Street  
Blaby  
Leicestershire

Mrs Theresa McDonough  
Land to the East of Sycamore Street  
Blaby  
Leicestershire


Mr Arthur Oliver McDonough  
38 Reynolds Place  
Leicester  
LE3 1EU

Mr Arthur Oliver McDonough  
107a West Street  
Bedminster  
Bristol  
BS3 3NU

Mrs Ann Carruthers  
Head of Environment and Transport  
Leicestershire County Council  
County Hall  
Glenfield  
Leicestershire  
LE3 8RA



## Enforcement Notice Plan - Land to the East of Sycamore Street

 Scale: 1:1000