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30th September 2026

Dear Secretary of State

Re: Intentional Unauthorised Development – Strengthening the Planning Enforcement Framework

I am writing to request that the Government makes further changes to planning legislation to provide local planning authorities with more effective and proportionate tools to deal with **intentional unauthorised development (IUD)**.

I note the recent changes to the National Planning Policy Framework (NPPF), which strengthen the national policy position in relation to intentional unauthorised development and provide that the decision-maker should give significant weight to the harm caused by development which has been undertaken intentionally without planning permission.

However, East Herts Council's experience is that the changes do not go far enough to address the practical difficulties faced by local planning authorities.

The issue is not that intentional unauthorised development is insufficiently recognised as a planning consideration. The problem is that a retrospective planning application can still be made, and planning permission can still be granted where other planning matters are considered to outweigh the harm arising from the intentional breach. This can leave councils in the difficult position of having to determine whether to regularise a situation which has deliberately been created without planning permission in the first place.

East Herts Experience

This is not an isolated issue for East Herts Council. Since 2019, the Council has experienced repeated incidents and threats of unauthorised Traveller development across the district.

The Council has had to commit significant officer and legal resources to responding to these situations, including taking urgent enforcement action and, in a number of cases, seeking out-of-hours injunctions to maintain the status quo and prevent further development while the planning position is resolved.

Cases of note include **Chapel Lane, Little Hadham; Cherry Green Lane, Westmill; Mentley Lane, Puckeridge; and, more recently, Sheering Mill Lane, Sawbridgeworth**, all which illustrate different aspects of the challenge.

You are likely to be aware of the most recent case which took place at Sheering Mill Lane, Sawbridgeworth over the August bank holiday weekend. This hit the national headlines because significant intentional unauthorised development took place on Green Belt and the flood plain with large quantities of aggregate being brought on to the site. Extensive groundworks were undertaken using heavy machinery, altering the land and causing damage to local wildlife and the natural environment. This caused considerable distress to local residents and highlighted the limited powers available to the Council and police to intervene immediately while unauthorised works were taking place.

We should not be put in this position and are calling for stronger police and planning powers to address intentional unauthorised development.

In addition to the above, the Council has also experienced situations where, following planning appeals related to intentional unauthorised development, we have had to implement planning conditions imposed by the Planning Inspectorate (PINS) which aren't workable. Fundamental planning matters such as drainage have not been resolved when such matters should have been dealt with from the outset.

All these cases demonstrate the practical limitations of the current system. Once an unauthorised site has been established, the Council can face a complex combination of planning, enforcement, human rights and equality considerations. The longer the situation continues, the more difficult and resource-intensive it can become to resolve.

Whilst this letter focusses on the changes we need to planning powers, the Council has been working with Hertfordshire Constabulary, and fully supports the letter sent to you on 01 September 2026 by Jonathan Ash-Edwards, Police and Crime Commissioner for Hertfordshire.

The Need for Legislative Change

The Council believes that the planning system should continue to provide an appropriate route for meeting identified Gypsy and Traveller accommodation needs. East Herts is committed to providing authorised sites through the proper planning process.

However, this is about ensuring that development is properly planned and authorised before it takes place, and that deliberately proceeding without planning permission does not create an advantage within the planning system.

The Council considers that there is now a case for complementing the NPPF policy with legislative changes that provide councils with greater certainty and stronger early intervention powers.

In particular, I ask the Government to consider:

1. A Stronger Statutory Presumption Against Retrospective Permission

Where development has deliberately been undertaken without planning permission, the starting position should be that retrospective planning permission will not be granted.

This would help remove the potential incentive to "**develop first and apply later**", whilst retaining appropriate safeguards in relation to human rights, equality duties and individual circumstances.

2. Stronger Early Intervention Powers

Local authorities should have greater ability to prevent an unauthorised residential site becoming established, including strengthened and more flexible Temporary Stop Notice powers.

The ability to intervene at the earliest possible stage is particularly important where caravans, mobile homes or other residential accommodation can be brought onto land very quickly.

Consideration should also be given to whether additional criminal sanctions or enforcement mechanisms are required where Temporary Stop Notices or injunctions are deliberately breached. This should include consideration of powers of arrest.

This is supported by Hertfordshire Constabulary

3. A fast-track Enforcement and Appeal Process

Consideration should be given to a priority route for serious cases of intentional unauthorised development, including faster enforcement appeals and clearer timescales for determining retrospective applications where enforcement action is already underway.

4. Review of the PINS' Approach to Retrospective Gypsy and Traveller Applications

We consider that there should be a review of the approach taken by the Planning Inspectorate when they are dealing with retrospective Gypsy and Traveller applications.

The routine use of long-form conditions can leave significant matters to be resolved by local planning authorities after permission has been granted, rather than being properly addressed through the appeal.

Drainage is a clear example. At Chapel Lane, Little Hadham, drainage remains unresolved seven years after the appeal decision. This demonstrates the practical difficulties created when fundamental matters are deferred to condition discharge.

We believe PINS should review this practice and ensure that matters fundamental to the acceptability of a site, such as drainage, access and layout, are resolved at appeal stage where permission is being granted retrospectively.

5. Improved Access to Injunctions

The Government should review the cost, evidential and procedural barriers faced by councils seeking injunctions.

Where necessary and proportionate, injunctions should be capable of preventing continued or repeated unauthorised development while the planning position is determined and, where justified by the circumstances, should be capable of being supported by a power of arrest subject to appropriate judicial safeguards.

This is supported by Hertfordshire Constabulary.

6. Stronger Powers to Deal with Repeated Breaches

Councils should have more effective mechanisms for dealing with repeated or continuing intentional unauthorised development, particularly where previous enforcement action or injunctions have already been required.

Balancing Enforcement and Accommodation Need

The Council fully recognises that effective enforcement must operate alongside the provision of sufficient authorised Gypsy and Traveller accommodation. There is a legitimate need for councils to plan positively for this accommodation and to ensure that identified needs can be met through the planning system.

However, the existence of accommodation need should not mean that a council is unable to take effective action where development is deliberately undertaken without permission.

A balanced national approach should therefore provide both appropriate provision for legitimate accommodation need; and effective powers to address deliberate breaches of planning control.

Request to Government

I would therefore welcome the opportunity for East Herts Council to share its experience with Ministers and officials and to contribute to any review of the planning enforcement framework.

In particular, I would ask the Government to consider whether amendments to the Town and Country Planning Act 1990 and associated legislation are now required to complement the strengthened NPPF provisions.

The recent NPPF changes are an important and welcome recognition of the problem. However, **East Herts Council's experience over a number of years demonstrates that policy changes alone cannot resolve the practical enforcement difficulties created when development is deliberately undertaken without permission.**

The planning system should not inadvertently create a situation where those who follow the proper planning process are disadvantaged by comparison with those who deliberately establish a development first and seek permission afterwards.

I would welcome the opportunity to support any discussion on this issue. I ask that you consider these issues and whether further legislative reform could be brought forward.

Yours Sincerely



Cllr Ben Crystall
Leader
East Herts District Council