

Statement on behalf of the
Claimant
Witness: Mrs Stephanie Penney
1st Statement
Dated: 4th April 2026
Exhibits: SP1 – SP15

Claim No.

IN THE HIGH COURT OF JUSTICE

KINGS BENCH DIVISION

**IN THE MATTER OF AN INJUNCTION PURSUANT TO S187B OF THE TOWN AND COUNTRY
PLANNING ACT 1990**

B E T W E E N :

BUCKINGHAMSHIRE COUNCIL

Claimant

and

(1) KEITH O'DONOGHUE

**(2) PERSONS UNKNOWN (ANY PERSON CARRYING OUT AND/OR ENCOURAGING AND/OR
FACILITATING DEVELOPMENT ON, OR WITH AN INTENT TO UNDERTAKE DEVELOPMENT ON OR TO
OCCUPY, THE LAND KNOWN AS LAND OFF HOG LANE, ASHLEY GREEN, BUCKINGHAMSHIRE, HP5 3PS
(LAND REGISTRY TITLE NO: BM333389) AS SHOWN EDGED IN BLACK ON THE MAP ATTACHED TO
THE ORDER WITHOUT LAWFUL PLANNING CONSENT)**

Defendants

WITNESS STATEMENT OF STEPHANIE PENNEY

I, STEPHANIE PENNEY, Planning Enforcement Team Leader in the Enforcement Department at the Buckinghamshire Council, Queen Victoria Road, High Wycombe, Buckinghamshire HP11 1BB,

WILL SAY as follows: -

1. I make this witness statement in support of an application by Buckinghamshire Council (the "Council") for an injunction against the Defendants pursuant to Section 187B of the Town & Country Planning Act 1990. I am duly authorised by the Council to make this witness statement. I make it from my own information, knowledge and belief, save where otherwise stated.
2. I am employed by the Council as a Planning Enforcement Team Leader. I have been employed (including employment at the former Wycombe District Council) for over ten years within the planning department at Buckinghamshire Council. Prior to this, I was employed by East Northamptonshire as a Principal Planning Officer and a Senior Planning Officer at Fenland District Council. I have over 25 years of experience working for a Local Planning Authority and I am a member of the Royal Town Planning Institute.
3. This witness statement relates to land off Hog Lane, Ashley Green, Buckinghamshire, HP5 3PS (the "Site"). The Site is identified on the map outlined in bold black (Exhibit **SP1**). This is also the application area over which the Council seeks injunctive relief.
4. The Site lies on the south side of Hog Lane, within the Green Belt. The site lies to the east and south of the residential curtilage of The Burrows, and there is an agricultural building and associated land lying to the east of the application site.
5. The site lies within the Zone of Influence of the Chilterns Beechwoods SAC. The site also lies within a Red Impact Risk Zone for Great Crested Newts.
6. In 2024, planning permission was refused for the change of use to the mixed use of land for the keeping of horses and the stationing of caravans for residential purposes with the erection of 2 dayrooms and laying of hardstanding. The planning application reference number is PL/23/2479/FA and the decision notice is attached at Exhibit **SP2**. The site plan is attached at Exhibit **SP3** and the officer report at Exhibit **SP4**.

7. A new planning application was received in March 2026 for the use of land for the stationing of caravans for residential purposes and the erection of dayrooms and laying of hardstanding ancillary to that use but is not yet valid, reference PL/26/02447/FA. The application forms are attached as Exhibit **SP5** and the site plan at Exhibit **SP6**. On both planning applications, the applicant was / is Mr Keith O'Donoghue.
8. I do not have an up-to-date photo of how the site appeared prior to the unauthorised works, however I attach the Ecological Appraisal that was submitted with planning application ref PL/23/2479/FA at **Exhibit SP7**. Photographs can be seen in Appendix D of this document, page 41. The site was formerly grassland paddocks.
9. On Thursday 2nd of April at approximately 20.41, I received a telephone call from a local resident advising that caravans had been brought onto the land.
10. I visited the site at approximately 9am on 3rd of April 2026 but did not enter the site and remained in my vehicle. Works were occurring on site. These works comprised of excavators on site and ground works were being carried out. There were two statics vans and tourers towards the rear of the Site. There were a number of men on Site and there were three trade vehicles parked on Hog Lane. I did not approach the men given the number of males on site and given I was on my own. I then left the site and prepared a Temporary Stop Notice (TSN).
11. I considered that a TSN was necessary because there had been a breach of planning control in the form of operational development and no planning application had been approved. The intention of the works was not clear. The Council was concerned that there is capacity for further potentially harmful, but certainly unauthorised development on the Land. Given that the Site is in the Green Belt, where development is strictly controlled, a TSN was considered expedient. The TSN is attached as **Exhibit SP8**.
12. Bryan Lecoche Ltd were appointed to carry out service of the TSN and arrived on site at 12.45 pm on 3rd April 2026. The email received from Bryan Lecoche Ltd confirming service is attached as Exhibit **SP9** and photographs taken by Bryan Lecoche Ltd are attached as Exhibit **SP10**. They advised that "Hardcore had been laid over the site, and the majority of it had been flattened out with a large hole in the middle of the yard, presumably for a septic tank. There was panel fencing down the left-hand side, which looked like it belonged to the adjacent property. Panel

fencing had started to be placed at the front of the property. There was a hedgerow and wooden bar fencing around the remaining perimeter.”

13. The TSN was also sent by email to the Planning Agent of the submitted planning application, Joshua Crehan of Green Planning Service (see Exhibit **SP11**) and was also sent by email to Keith O'Donoghue (see Exhibit **SP12**). Keith O'Donoghue's email address was not given on the current submitted application. However, I have Keith O'Donoghue's email as a result of previous enforcement investigations and formal action at another site, at Land On The North West Side of Frith Hill, South Heath, Buckinghamshire.
14. On 4th April 2026, messages were received from a local resident at 05.53 advising that a vehicular access had been blocked. Then further messages received advising that the first lorry arrived at 5.55am and work commenced at 6.25am. The works were said to be rubble being brought in and grass / soil being taken away.
15. On 4th April 2026, Bryan Lecoche Ltd again visited the site. A Statement from the Enforcement Team is attached at **Exhibit SP13** and photos are attached at **Exhibit SP14**. The additional works that have occurred since the service of the TSN are, “Fencing to the front of the property has been completed. The hole has been filled in. Gravel has been laid and spread across the entire plot. A digger was still working at the front entrance, laying gravel, which was then being raked over. Two additional static mobile homes have been added to the site.” However, upon reviewing the site photographs it is my opinion that two additional mobile / static structures have been brought onto the site since the visit of 3rd April 2026.
16. The breach of planning control for the Site the subject of this Witness Statement is, therefore, the material change of use of the land to stationing of static mobile homes/structures and caravans for residential purposes erection and laying of hardstanding
17. As it stands, the Land is not occupied residentially, there are no occupiers and there are now 2 static mobile homes, 2 mobile / static structures and 2 towing caravans present on the site.
18. In order to protect the Land from further incursion and the settling of occupiers, the Council proposes to obtain an urgent injunction, prohibiting the bringing on of any further hard standing, caravans or mobile homes.
19. The ownership of the land is not clear as there is a pending application for registration on the

Land Registry. The Site is however registered as Title Number BM333389. The Title Absolute is owned by Mr Keith James O'Donoghue of 11 Joseph Avenue, Friary Park, London, W3 6NL. The Land Registry details are attached as **Exhibit SP15**.

20. The current registered owner has clearly been made aware of the TSN by my email at Exhibit SP12, and there has been a clear breach of the TSN.
21. This serious and deliberate breach of planning control, over the Easter bank holiday weekend shows the vulnerability of the Site and the works are themselves operational development requiring planning permission. I have set out why the development is likely to be unacceptable (given that an application for apparently similar development has recently been refused planning permission), the continued breach of the TSN and the fact that the persons apparently involved are acutely aware of the planning history given that the registered owner was the applicant of the refused planning application and the applicant of the submitted planning application. The Council's immediate priority is to protect the Site from further development and occupation.
22. This statement is made in support of the Council's Claim by which it is seeking
an order for the immediate protection of the Site from further development (a "prohibitory interim injunction");
23. The Council is seeking a prohibitory interim injunction in respect of the whole Site on a without notice basis. Applying without notice is justified because of the recent conduct. This cynical and deliberate breach of the planning rules and of planning control suggests that if the Council were to put them on notice, the Defendants may seek to carry out further development and encourage further occupation of the Site before an order is obtained, thereby frustrating its purpose. Secrecy is, therefore, required. My view is that only a without notice injunction will be capable of preventing further anticipated breaches.
24. The Council's immediate priority is to protect this Green Belt Site from yet further development and occupation. It is also my opinion that while the development has been carried out towards the front of the site, the ownership extends beyond which could be vulnerable to further breaches of planning control.
25. It is also the Council's view, that given the existence of the Temporary Stop Notice issued on

Site dated 3rd April 2026, the Defendants have a blatant disregard for the planning rules and carried out further intentional unauthorised development in the Green Belt over the Easter Bank Holiday weekend which is outside of normal working hours. My statement will now address the planning position on the Site.

Planning Position

Gypsy and Traveller Accommodation Needs

25. The Council cannot demonstrate a 5-year supply of traveller sites as set out in paragraph 10 of the PPTS. Also, there are no public sites in Buckinghamshire.
26. The Council has recently published a Gypsy and Traveller Accommodation Assessment (GTAA) in July 2025. This GTAA replaces the 2017 GTAA. The accommodation needs for Gypsies and Travellers and for Travelling Showpeople have increased substantially since the 2017 GTAA. The GTAA 2025 identifies a need of 681 pitches and 38 plots up to 2045. See Table 1 below:

Table 1

Year period	Dates	Gypsy & Travellers	Travelling Showpeople
0-5	2025-29	450	27
6-10	2030-34	66	3
11-15	3035-39	72	3
16-20	2040-44	79	4
21	2045	14	1
0-21	2025-2045	681	38

27. There is a requirement for the Council to have a forward-looking 5-Year Supply of Sites in accordance with PPTS. This means that there are plots and pitches ready for families to occupy. The five year need positions for Buckinghamshire are shown in Table 2 below:

Table 2

Proposed Supply	Location	Number of pitches
Identified need in Buckinghamshire for the period 2025-2029		450
Supply allocated in the VALP that is present but require regularising	Marroway, Weston Turville	5
	Oakhaven Park, Gawcott	1
	Land at Swan Edge, Wendover	2
Supply through permitted sites since 1/4/25	Land adjacent Radclive Road Gawcott, 24/00081/REF	2
	Land at the Old Stable Cooks Hill 24/01053/APP	1
	Land off Worminghall Road, Ickford 22/00493/APP	3
	Land to the West of Main Street South Gawcott 24/00131/APP	2
	Land to the North of Bellswood Lane, PL/25/0477/FA, PL/25/0478/FA PL/25/0479/FA PL/25/0480/FA	4
	West Hyde Stables	4
Balance of need and supply		434

28. As a result, there is no 5-year supply of pitches and plots in Buckinghamshire in accordance with PPTS.
29. Work is underway on progressing the Buckinghamshire Local Plan, with allocations for Gypsy and Travellers ("G&T"). Work to date has identified sites that could possibly accommodate 229 pitches. These pitches come from sites assessed as suitable from the Housing and Economic Land Availability Assessment (HELAA) for G&T use. Sites in the HELAA have been identified through multiple Call for Sites exercises, included one specifically for G&T in September 2025. Further work is still required on these sites, and the Council are looking at other approaches to meet our need.
30. Buckinghamshire Council received a letter of intervention from the Minister of State for Housing and Planning on the 13th February 2026 stating we must commence our regulation 19 consultation no later than 23rd July 2026 and submit our plan for examination no later than 31st December 2026. These are milestones Buckinghamshire Council are already working towards for the progression on the Local Plan for Buckinghamshire.

31. This position is correct as of 4/4/26.

Green Belt

32. The Site is located within the Green Belt. where, in accordance with Section 13 of the National Planning Policy Framework (NPPF), most development is considered to be inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.
33. The NPPF (2025) states at paragraph 153, “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.” However, footnote 55 to this paragraph says, “Other than in the case of development on previously developed land or grey belt land, where development is not inappropriate.”
34. Paragraph 154 of the NPPF sets out that a local planning authority should regard development as inappropriate in the Green Belt unless it meets one the specified exceptions set out within paragraph 154. In addition to this, paragraph 155 of the NPPF sets out further circumstances when development in the Green Belt should also not be regarded as inappropriate in the Green Belt. **Para 155**
35. Paragraph 155 of the NPPF has introduced a new set of circumstances where development in the Green Belt can potentially not be regarded as inappropriate development in the Green Belt, provided it meets a specific set of criteria which are labelled 'a' to 'd'. Development in the Green Belt should not be regarded as inappropriate provided ALL the criteria a) to d) must apply. I have assessed each of the criteria below.
36. In order to carry out this Assessment, reference is made to the Arup Assessment

(<https://www.buckinghamshire.gov.uk/planning-and-building-control/strategic-planning-and-infrastructure/strategic-planning/green-belt-assessment/>) which was compiled and published as evidence in connection with the draft Chiltern and South Bucks Local Plan 2036, which has since been withdrawn. Whilst the draft local plan was itself withdrawn, the Green Belt assessment document represents a valid piece of work that undertook an analysis and assessment of the Green Belt within Buckinghamshire, and how it performed against the purposes of including land within the Green Belt. On this basis, it is considered that this document should be given significant weight. Due to the size of this Document, it is not possible to send electronically at this time but the document can be viewed via the following link: [Green Belt assessment | Buckinghamshire Council](#)

37. The site is within parcel 11 of the Buckinghamshire Part 1 Green Belt Assessment (ARUP 2016). This is shown in the proforma for the parcel on page 34 of Annex B to the Part 1 Green Belt Assessment. Due to the size of this Document, it is not possible to send electronically at this time but the document can be viewed via the following link: [Green Belt assessment | Buckinghamshire Council](#)

Para 155 Criteria a.

38. For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 to NPPF paragraph 11 (other than Green Belt) would provide a strong reason for refusing or restricting development.
39. Criteria a requires the land to be grey belt AND would not undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.

First element of Para 155 criteria a.

40. First the site first needs to be assessed as to whether the land is grey belt, as footnote 7 of the NPPF does not apply, my assessment will just look at purposes a), b) and d) in paragraph 143.
- 41.

Purpose a) – to check the unrestricted sprawl of large built up areas	The site does meet the purpose. Scores a moderate score as it forms an essential gap between Chesham and Berkhamstead
Purpose b) – to prevent neighbouring towns merging into one another	The site does meet the purpose. Scores a moderate score as it forms an essential gap between Chesham and Berkhamstead.
Purpose d) – to preserve the setting and special character of historic towns.	This site does not meet the purpose. Scores weak.
Conclusion: On the basis of paragraph 143 a) and b) applying to the Site, the site does not constitute grey belt. The Council recognises that the Defendants may contend that the site constitutes grey belt and its position in this respect is reserved.	

Second element of Para 155 criteria a.

42. It now needs to be assessed whether the development would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.

Purpose a) – to check the unrestricted sprawl of large built up areas	The site does meet the purpose. Scores moderately
Purpose b) – to prevent neighbouring towns merging into one another	The site does meet the purpose. Scores moderately
Purpose c) - to assist in safeguarding the countryside from encroachment;	The site scores the maximum score. The General Area is characterised by small tree lined roads, farm land for pasturing, crops, and meadows. The area rises in topology on the west side of the parcel whereas the east side flattens out into open fields. The north end of the land parcel has more dense woodland which prevents long views, which are offered on the eastern side of the parcel looking into open countryside. The

	A416 slightly reduces the sense of connectivity to the wider countryside to the east, compounded further by piecemeal residential and agricultural ribbon development here, as well as along Hog Lane and John's Lane. However, this built-form, which is dispersed throughout the land parcel, has only a limited effect on the overall sense of openness and overall it maintains a strong unspoilt rural character
Purpose d) – to preserve the setting and special character of historic towns.	This site does not meet the purpose. Scores weak. Accordingly, there is not a fundamental undermining of the purpose.
Purpose e) - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.	This purpose applies in relation to this site.

Irrespective of the position relating to whether the site may be considered to constitute grey belt, it is concluded that the development would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan and the Council.

Para 155 Criteria b.

There is a demonstrable unmet need for the type of development proposed

43. It is considered that there is a demonstrable need for the use.

Para 155 Criteria c.

The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework

44. It is considered that the use would undermine the main aim of promoting more public transport journeys. The site is not readily accessible by public transport and there are not footpaths, or street lighting.

45. The development does not meet criteria c.

Para 155 Criteria d.

46. The 'Golden Rules' do not apply

Conclusion on Para 155

47. The development does not meet criteria a. or c. and is therefore inappropriate development.

Para 154

48. It is considered that the unauthorised use would not fall within any of the exceptions listed in paragraph 154 of the NPPF. Part g' of para. 154 allows for the redevelopment of previously developed land (PDL), provided it does not cause substantial harm to the openness of the Green Belt.
49. The definition of PDL is "Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape."
50. Para 154 (g) - The site is not PDL.
51. Para 154(h)(v) – the unauthorised use is not comparable to outdoor sport or recreation, or for cemeteries and burial grounds.
52. In light of the above, the development is inappropriate development. As such, by definition it is harmful to the Green Belt and should not be approved except in very special circumstances. The test of openness is also relevant as the development is inappropriate.

Openness

53. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, paragraph 142 of the NPPF refers. It further states, in paragraph 142, that the essential characteristics of Green Belts are their openness and their permanence. In assessing openness, the NPPG states at paragraph 13 Reference ID:64-013-20250225 that matters which need to be taken into account (but not limited to) are: the spatial and visual aspect; the duration of the development and its remediability; and degree of activity likely to be generated, such as traffic management.
54. In this case, the site is a vacant piece of land which was formerly grassland paddocks surrounded by boundary vegetation to the northern and western side and is open to the south and east. Therefore, the introduction of the proposed development, together with associated hardstanding and domestic paraphernalia, would have a detrimental impact on openness and encroach into the countryside.

Landscape/design

55. Introducing a total of four mobile static homes and two touring caravans, fencing and hardsurfacing across most of the site as has now been undertaken, together with domestic paraphernalia will cause a degree of harm to the rural character of the location.

Biodiversity

56. Paragraph 187 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment through a number of measures. These include protecting and enhancing valued landscapes and sites of biodiversity or geological value, and minimising impacts on and providing net gains for biodiversity. Paragraph 185 says that to protect and enhance biodiversity, plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for seeking measurable net gains for biodiversity.
57. Paragraph 193 of the NPPF states that when determining planning applications, local planning authorities should apply the following principles; a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning

permission should be refused; and d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

58. In terms of the Development Plan, Policy CS24 of The Core Strategy states that the Council will aim to conserve and enhance biodiversity. In particular, development proposals should protect biodiversity and provide for the long-term management, enhancement, restoration and, if possible, expansion, of biodiversity, by aiming to restore or create suitable semi-natural habitats and ecological networks to sustain wildlife. Where development proposals are permitted, provision will be made to safeguard and where possible enhance any ecological interest.
59. In July 2022, the Council adopted the Biodiversity Net Gain Supplementary Planning Document (BNG SPD) which requires development to result in a net gain for biodiversity. In addition, there is now a mandatory requirement to achieve 10% biodiversity net gain (BNG). As the development is unauthorised, there are no details to show how enhancements will be achieved, nor is there any information relating to Great Crested Newts which is important, given it lies within a Red Impact Risk Zone. This is pertinent, considering how much of the site will be dedicated to hardsurfacing. In the absence of such information, the development fails to comply with Policy CS24.

Chilterns Beechwoods Special Area of Conservation (SAC)

60. The Chilterns Beechwoods Special Area of Conservation (SAC) comprises Asperulo-Fagetum beech forests on neutral to rich soils and semi-natural dry grasslands and scrublands on chalk or limestone (Festuco-Brometalia). The rare coralroot Cardamine bulbifera is a distinctive feature of the woodland flora. Fallen dead timber provides habitat for invertebrates including the stag beetle (Lucanus cervus). These comprise the qualifying features of the SAC. The conservation objectives are to ensure the integrity of the site is maintained or restored and ensure the site contributes to achieving the favourable conservation status of its qualifying

features. The unit of particular concern is Ashridge Commons and Woods Site of Special Scientific Interest (SSSI).

61. The qualifying features of the SAC are threatened by disturbance as residents in the surrounding area use the SAC for recreation. In particular, the concerns are damage from trampling of the ground other than paths, vegetation wear, soil compaction and erosion; contamination including nutrient enrichment, for example from dog fouling, litter and invasive species; increased incidence and risk from fire; and other impacts such as harvesting and activities associated with site management.
62. Research was carried out in 2021 on the impacts of recreation on the SSSI within the SAC and is set out within the Footprint Ecology Report. Natural England recognises that new residential development within 12.6km of the SSSI, within which the site is located, can be expected to result in an increase in visitors to the SSSI and add to the recreation pressure.
63. On the advice of NE, Buckinghamshire Council has adopted an interim position from 14th March 2022 until such time as a mitigation strategy can be agreed. For this interim period, the following is adopted:
 - Any development within the 12.6 kilometre Zone of Influence that proposes an increase in residential dwellings will need to carry out a HRA. This would need to consider both alone and in-combination impacts and set out measures to mitigate the impacts.
 - An exclusion zone of 500 metres from the edge of the Ashridge Commons and Woods SSSI.
64. The Council has been working on a mitigation strategy with its partner authorities. The agreed Strategic Solution is for both a Strategic Access Management and Monitoring Strategy (SAMM) and for Suitable Alternative Natural Greenspace (SANG) to be provided. The SAMM amount was agreed in November 2022, but only on the basis that the SANG was also in place. The SANG has now come forward, and contributions are sought through planning applications if the development is found to be acceptable.
65. A Strategic SANG, Kingsbrook Meadows at Aylesbury, has now been approved and allows us to start reviewing applications which have requested and would qualify for mitigation using SANG credit from this SANG.
66. The applications that qualify include either:

- applications for 9 or less dwellings within the 12.6km Zone of Influence
- applications for 10 or more dwellings within a 5km catchment area of the Kingsbrook Meadow SANG

67. Accordingly, the owners would need to provide a payment for the SAMM and SANG, in line with the east area as set out below. As this development is unauthorised and a payment has not been made, the development does not provide appropriate mitigation and is contrary to the Conservation of Habitats and Species Regulations 2017 and paragraph 193 of the NPPF (2025)

Strategic Access Management and Monitoring (SAMM) and Suitable Alternative Natural Greenspace (SANG) tariff

Area	SAMM contribution (excluding indexation)	Kingsbrook Meadows SANG contribution (excluding indexation)
North and Central areas	£566.23 per dwelling	£5,314.57 per dwelling
East areas	£87.03 per dwelling	£5,314.57 per dwelling'

Intentional unauthorised development

68. The development results from intentional unauthorised development in the Green Belt.
69. On the 17th December 2015, the Minister of State for Housing and Planning said:

“This Statement confirms changes to national planning policy to make intentional unauthorised development a material consideration, and also to provide stronger protection for the Green Belt, as set out in the manifesto.

The Government is concerned about the harm that is caused where the development of land has been undertaken in advance of obtaining planning permission. In such cases, there is no opportunity to appropriately limit or mitigate the harm that has already taken place. Such cases can involve local planning authorities having to take expensive and time consuming enforcement action.

For these reasons, we introduced a planning policy to make intentional unauthorised

development a material consideration that would be weighed in the determination of planning applications and appeals. This policy applies to all new planning applications and appeals received since 31 August 2015. The Government is particularly concerned about harm that is caused by intentional unauthorised development in the Green Belt.

For this reason the Planning Inspectorate will monitor all appeal decisions involving unauthorised development in the Green Belt to enable the Government to assess the implementation of this policy.

...

The National Planning Policy Framework makes clear that most development in the Green Belt is inappropriate and should be approved only in very special circumstances. Consistent with this, this Statement confirms the government's policy that, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances."

70. The statement relating to "*Green Belt protection and intentional unauthorised development*" accompanying a letter by the Chief Planner dated 31st August 2016, expresses the Government's concerns about the harm of development undertaken without planning permission first being sought. It explains that there is no opportunity to appropriately mitigate the harm already caused. A policy is introduced which makes *intentional* unauthorised development itself a material consideration in determining planning applications and appeals, as from 17th December 2015.
71. The development has been carried out without obtaining planning permission.
72. Given the planning history relating to the Site, the owners would have known that planning permission was required. The use is causing harm to the Green Belt and is requiring the Council to take enforcement action which has taken considerable time and expense.
73. In addition, it is worth noting that despite the serving of the TSN, development has continued on the Site, as set out above.
74. It is clear that the works undertaken on the site since Thursday 2nd April have been in complete disregard of the planning system.

Very Special Circumstances

75. It may be that the Defendants state that very special circumstances exist. However, at this stage no evidence is available.
76. Regard is made to the substantial harm to the Green Belt which is considered significant negative weight. Consideration is also made to the ecological harm and landscape impact as well as intentional unauthorised development.

Human Rights / Equality Considerations on seeking Prohibitory Injunction

77. I have given careful consideration to the human rights and equalities' impacts. Since the order sought by the Council at this stage simply seeks the preservation of the status quo on Site and prevents further unlawful development, but does not seek the removal of any occupiers, there is minimal interference with the Defendants' Article 8 rights. In my view any potential interference with the Defendants' Article 8 rights will be limited and justified by the public interest in safeguarding the environment and protecting the integrity of the planning system. I have given consideration to the Property Rights under Article 1 Protocol 1. The property rights of the landowners have been taken into account. However, the action is considered justified as result of the planning harm identified.
79. I have also had regard in this context to the Council's public sector equality duty under section 149(1) of the Equality Act 2010. I have had "due regard" to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
80. Given the intentional unauthorised development already undertaken in the Green Belt, and the threat of further development, any potential equalities impacts would, in my view, be outweighed by the need to preserve the integrity of the planning system, which justifies the making of the injunction order. In any event, such impacts are themselves largely

hypothetical since, at this stage, where the Court is considering making a prohibitory injunction, they relate only to possible impacts on those interests. That is against a background where the site is located within the Green Belt and such occupation would, in any event, be in breach of planning control in the absence of planning permission. Overall, given the extent of the planning harms, these equalities considerations do not outweigh the factors in favour of granting a prohibitory injunction.

81. It could be said that the making of the injunction has differential impacts on members of the Gypsy and Traveller community. That is because members of that group are most likely to seek accommodation in a caravan, outside of “bricks and mortar” accommodation, on rural sites like this, which would accord with their cultural preference to live in a caravan. That being the case, the making of an Order – with the potential for criminal sanction if breached – may disproportionately affect members of the Traveller and Gypsy community. However, those considerations need to be weighed against the public interest in proper planning and protecting the Land from environmental harm. The Council has pursued this injunction in response to the clear deliberate actions of one or more of the Defendants in developing the Land without planning permission.

CONCLUSION

82. I do acknowledge that the Council could serve an Enforcement Notice and Stop Notice on the site. However, it is my view that only an injunction of this nature will protect the Site from further breaches. The Council did first serve a TSN to stop the breach, but this has not been complied with and I several breaches have been listed. Since 2nd April 2026 there has been a complete disregard to the planning system. While a Stop Notice could be served, my view is that this would be disregarded much like the TSN. In addition, I believe that Mr Keith James O'Donoghue is acutely aware of the planning history, but these works have occurred despite the 2024 planning refusal and when a further planning application has yet to be validated and has not been determined.
83. I consider that the making of an Interim Injunction Order to immediately protect the Site from further development and occupation, is a necessary and expedient first step to prevent further

breaches of planning control at the Site. I believe the following factors weigh strongly in favour of granting the order to 'hold the ring':

- a. The need to enforce planning control in the general interest. The purpose of this application is to prevent that breach escalating further and spreading further.
- b. Planning permission has been refused on the Site,
- c. The prejudice to the Defendants from a prohibitory injunction, the purpose of which is simply to restrain the use of the Site, is minimal. It requires the Defendants simply to act lawfully.

84. It seems that only an injunction of this nature will protect the Site from further breaches. As I have said above, the application is being made without notice since if the Council were required to give notice to the Defendants it is likely that they, or their associates, would, carry out further operational development and encourage other persons to occupy the Site before an injunction could be obtained and served, thereby frustrating the purposes of the injunction.
85. The Council has served a Temporary Stop Notice. However, unauthorised works have continued despite the TSN, in the form of the bringing in of two additional mobile / static structures, additional hardstanding being laid and engineering operations. Accordingly, the Council considers an application for an injunction without notice is the only realistic way to avoid further and immediate unauthorised development on the Site
86. I would therefore respectfully ask that the Court grant the injunction in the following form so that any further breach of planning control is prevented:

The Land – Land off Hog Lane, Ashley Green, Buckinghamshire, HP5 3PS

- (a) With immediate effect, and until further order, the First and the Second Defendants either by themselves or by instructing, encouraging or permitting any other person (including any third parties or independent contractors) MUST NOT:
- (i) Carry out any further works on the Land including (but not limited to) any building or engineering operations, the clearance or levelling of any land, the laying of any hardstanding or hardcore or materials and/or the erection of any fencing.

- (ii) Bring onto the Land any further caravans, mobile homes or structures for the purposes of residential occupation or any other use which is in breach of planning control.
- (iii) Enable, encourage or facilitate anyone who is not living on the Land as of the Date of Service to move onto the Land for the purposes of living on the Land.
- (iv) Deposit on the Land any further waste materials, hardcore or similar substances for any purpose, including the creation or laying of hardstanding or hard surfaces in connection with the stationing of caravans or mobile homes for residential occupation or any other use which is in breach of planning control.
- (v) Form or create any further paths or roadways.
- (vi) Install any further services, utilities or infrastructure including but not limited to sewerage, water, sanitary facilities or electricity for the purposes of residential occupation. In particular not to take any steps to install or commission the septic tank or cesspit brought onto the Land on or around 3rd April 2026.
- (vii) Sub-divide the Land or otherwise create any further plots on the Land.
- (viii) Bring onto, or keep or store on, the Land any vehicles, plant and/or machinery other than those present on the Land as of the Date of Service

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:



Stephanie Penney

Dated 4th April 2026