Ministry of Housing, Communities & Local Government

Matthew Pennycook MP
Minister of State for Housing and Planning
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Dear Colleagues,

Following a meeting that took place in the House on 3 June to discuss concerns about unauthorised development by Travellers and the enforcement powers available to local planning authorities in such circumstances, I agreed to set out the government's position in writing. I am grateful for your correspondence and ongoing engagement in relation to this important matter.

Let me begin by reiterating that intentional unauthorised development, irrespective of who undertakes it, is completely unacceptable. The government recognises and understands the anger felt by the communities that are affected by it.

Local planning authorities' enforcement powers

Local planning authorities have a comprehensive range of planning enforcement powers available to them to bear down on unauthorised development. While most of these powers are necessarily reactive, such as enforcement and stop notices, authorities do have the ability to seek injunctions where it appears likely that a breach of planning control is about to occur. Further information on enforcement powers can be found in the relevant planning practice guidance on gov.uk here.

Where unauthorised development has already occurred, the opportunity to secure planning permission afterwards is restricted. If an enforcement notice has already been issued, a local planning authority has the power to decline to determine a subsequent retrospective planning application. In these circumstances, the only route to permission is to appeal the enforcement notice. Where a retrospective application has been submitted and a local planning authority then issues an enforcement notice, the applicant cannot appeal the enforcement notice on the ground that planning permission should be granted (known as a ground (a) appeal), but can appeal any refusal of the retrospective application. This means that there is only one opportunity to obtain permission after the event – either through an enforcement notice appeal or an appeal against refusal of a retrospective application but not both.

Appeals

Planning inspectors are required to determine appeals in accordance with the development plan unless material considerations indicate otherwise. In appeals concerning unauthorised development by Gypsies and Travellers, the extent to which development plans provide for authorised sites will be something which inspectors will consider.

Other material considerations which might be taken into account are human rights and equality obligations, including the positive duty to facilitate the Traveller way of life. Where children are involved, their best interest will necessarily be a primary consideration. Where an Inspector considers there has been intentional unauthorised development this will also be a material consideration.

The weight to be given to any relevant considerations will depend on all the individual circumstances of the case in question and it will be for the relevant planning inspector to reach a balanced and proportionate judgement in each case.

The following data shows the number of decisions issued in 2024 and 2025 that relate to appeal cases concerning development of, or on, Gypsy and Traveller sites. It distinguishes between enforcement (appeals against either an enforcement notice or refusal of a lawful development certificate) and other cases. Data is not available to show the proportion of planning appeals that are made in relation to the refusal of retrospective planning applications.

	2024	2025	Grand Total
Major traveller and caravan pitches	**42**	**22**	**64**
Enforcement Notice	27	10	37
Lawful Development Certificate	14	5	19
Planning Appeal	1	7	8
Minor traveller and caravan pitches	**132**	**107**	**239**
Enforcement Notice	61	27	88
Lawful Development Certificate	11	5	16
Planning Appeal	60	75	135
Grand Total	**174**	**129**	**303**

On average, around 31% of all appeals are allowed. Official figures for the percentage of appeals by development which are allowed are not available, but we think that the percentage of appeals allowed in relation to Gypsy and Traveller accommodation is likely to be higher than the average.

35 appeal decisions have been issued so far in 2026 that relate to development of, or on, gypsy and traveller sites, 12 of which relate to appeals against enforcement notices.

In a sample of cases, the Planning Inspectorate identified the following as significant issues in the inspector's consideration:

- provision for authorised sites in the local plan
- best interests of the child
- harm to the character and appearance of the surrounding area
- inappropriate development in the Green Belt
- personal circumstances

- sustainability of the location

Potential solutions

Between 16 December 2025 and 10 March 2026, we consulted on a new National Planning Policy Framework (NPPF). The draft Framework incorporates policies relating to traveller sites, currently set out in Planning Policy For Traveller Sites, within relevant chapters and the consultation sought views on strengthening the policy on intentional unauthorised development. We are currently analysing the feedback received and will publish our response in due course.

You will also note from above that the provision of sites in the Local Plan by local planning authorities is a significant matter for consideration by inspectors, and as such is key to the solution. As a government, we have placed renewed emphasis on driving local plans to adoption as quickly as possible with a view to achieving universal local plan coverage. We expect all local planning authorities to make every effort to get up-to-date local plans in place as soon as possible.

To ensure that local planning authorities can effectively use the planning enforcement powers available to them, we need to ensure their local enforcement teams have sufficient capacity. As you are hopefully aware, we are currently consulting on a substantive increase in planning fees to ensure local planning departments can more easily recover more of their costs and we are providing a further £48m additional capacity and capability funding in this spending review period.

Government guidance for public bodies already exists which sets out the full range of powers that local authorities, the police and other bodies can draw upon to help deal with illegal and unauthorised sites. However, it has come to my attention that this has not been updated since it was first published. I have therefore asked my officials to work with colleagues in the Home Office and the Ministry of Justice to bring it up to date and, in doing so, to consider whether there are any aspects of it that can be strengthened.

In addition, as we discussed at the meeting on 3 June, we are considering the request for a cross-government taskforce on unauthorised development and the suggestion made in respect of introducing a construction company offence.

As I committed to when we met on 3 June, I will arrange a further meeting to discuss progress once work on the various measures above has suitably progressed. As ever, I am also happy to receive additional evidence on this matter.

Best wishes,

MATTHEW PENNYCOOK MP
Minister of State for Housing and Planning