



Appeal Decision

Site visit made on 5 October 2022

by Mr Cullum Parker BA(Hons) PGCert MA MRTPI MCMI IHBC

an Inspector appointed by the Secretary of State

Decision date: 06 October 2022

Appeal Ref: APP/H1840/W/22/3298690

**Plot 7a, Evergreen Bank, Main Road, Cropthorne, Evesham,
Worcestershire WR10 3NE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Thomas Doran against the decision of Wychavon District Council.
 - The application Ref 21/00750/CU, dated 16 March 2021, was refused by notice dated 17 December 2021.
 - The development proposed is described as '*Change of use of land to use as a Gypsy caravan site for 5 Gypsy/Traveller households occupying up to 6 NO. caravans, including no more than 5 No. static caravans/mobile homes*'.
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Decision

1. The appeal is allowed and planning permission is granted for the Change of use of land to use as a Gypsy caravan site for 5 Gypsy/Traveller households occupying up to 6 NO. caravans, including no more than 5 No. static caravans/mobile homes at Plot 7a, Evergreen Bank, Main Road, Cropthorne, Evesham, Worcestershire WR10 3NE in accordance with the terms of the application, Ref 21/00750/CU, dated 16 March 2021, subject to the conditions set out in Appendix A.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area and the living conditions of neighbouring occupiers.

Reasons

3. The submitted documentation sets out the history and evolution of the appeal site; it is not necessary for me to replicate it here. Nonetheless, some context is useful. The site has planning permission for two mobile homes and two day rooms (from around 2007). Since then plot '7' has been subdivided into 7 and 7a. This proposal seeks the use of land on plot 7a for up to six caravans (including no more than five static caravans/mobile homes).
4. These would be occupied by members of the existing occupiers family. There is no dispute between the parties in terms of the status of the occupiers as being covered by Traveller and Travelling Showpeople planning policy. There is also no dispute between the main parties that, at July 2022, Wychavon Council is

able to demonstrate a five-year supply of Traveller pitches. I see no reason to disagree on either point.

5. During my site inspection I saw that the site has two buildings on site – a day room and a kitchen, as shown on the existing site layout plan. Also present were three touring caravans. The site is enclosed by close boarded fencing, with coniferous hedging outside this. It is mainly surfaced by hardstanding, except for a small area of grass to the rear of the kitchen/day room buildings.
6. Policy SWDP 17: Travellers and Travelling Showpeople of the *South Worcestershire Development Plan – adopted February 2016* (LP) sets out the local planning authority's approach to the provision of pitches for Travellers and Travelling Showpeople.
7. In particular, section c sets out various criteria which will be used to assess the suitability of planning applications. The local planning authority considers that the proposal would conflict with criterions vi) and vii) as set out in their reason for refusal. Criteria vi) sets out: *Whether there is any significant impact on privacy and residential amenity for both site residents and neighbouring properties.* Criteria vii) sets out: *Whether the size of the site and the number of pitches are of an appropriate scale for the location.* My attention has also been drawn to the document *Planning policy for traveller sites* (PPTS) which sets out the governments aims in respect of traveller sites. Where relevant, I have taken this into account.
8. The proposed layout would provide space between the proposed static caravans/mobile homes and it is intended that they would be occupied by the same members of an extended family (for example parents and their adult children, and their children). That the site is only occupied by members of the gypsy and traveller community, as defined by the PPTS, could be controlled by planning condition.
9. The combination of the evergreen hedges surrounding the plot; which screen plots 7 and 7a from each other, the fact that plot 7a would be occupied by a single extended family, and the lack of any evidence of anti-social behaviour or activities taking place on or near to the site, lead me to conclude that the proposal is unlikely to result in any significant impact on the privacy or amenity of nearby residents.
10. In terms of the size of the site and whether the number of pitches are of an appropriate scale, it is evident from the submitted plans that there would be areas of space between and around the proposed static caravans/mobile homes. There would be space not only for the static caravans/mobile homes, but also for a tourer caravan and associated vehicles. Whilst I agree that the concentration of static caravans/mobile homes on this pitch would be greater than those surrounding the appeal site, it is not atypical for sites; as evidenced by the nearby pitches/sites at Evesham Vale and Hill View. In this respect, I find that the size and number of pitches are of an appropriate scale in this case.
11. I therefore find that the proposal would not have an adverse effect on the character and appearance of the area or on the living conditions of neighbouring occupiers. It would therefore accord with Policy SWDP 17 of the LP which seek the aforesaid aims.

Other Matters

12. I now consider concerns raised by interested parties before considering possible conditions to impose, and then coming to an overall conclusion. Concerns have been raised over the potential impact of the development on highway safety given the increase in static caravan/mobile homes proposed. However, the proposal clearly shows the ability to provide visibility sight lines from the existing access into and out of the site onto the B4084.
13. The local highways authority confirmed that it has no objections to the proposal subject to conditions. They anticipate that the proposal would result in a 'worst-case' traffic impacts would be four additional vehicle trips during weekday peak hours. I see no reason to not concur with that analysis and find that the proposal would not have any significant adverse impact on highway safety.
14. In terms of the proposal setting a precedent, as suggested by Cropthorne Parish Council, it is clear that each and every planning proposal is considered on its own merits, as I have done here. Permitting the development sought here does not provide a precedent for further expansion of the site.
15. With regard to observations over the ownership of land based on comments from Worcestershire County Council Property Services, dated 12 July 2021, including the verge and highway land, this is primarily a private matter between the parties concerned.

Conditions

16. The Council, and the local highways authority, have suggested a number of conditions. I now consider these in light of Paragraph 56 of the National Planning Policy Framework (the Framework) and the national Planning Practice Guidance and the use of planning conditions.
17. A condition restricting occupation of the site to gypsies and travellers (as defined by the national PPTS) is reasonable and necessary to ensure the provision and retention of this specific accommodation need. Conditions requiring the proposal to be carried out as shown on the submitted drawings and limiting the number of static and non-static caravans are necessary in order to avoid their proliferation and to provide certainty. Similarly, a condition restricting the use so that no trade or business is carried out on site is necessary to ensure that the principle use remains residential.
18. A condition requiring details of access, parking and turning is onerous given that the location of the static caravans/mobile homes have been detailed in the submitted drawings and the site is currently covered by hardstanding. Instead, the rewording of the condition so that it covers the access and visibility splays only and their retention is reasonable in order to ensure safe access into and out of the site.
19. A condition requiring the provision of cycle parking is not necessary given that there is space between the static caravans/mobile homes and around the site for occupiers to securely store bicycles. Given the existing residential use of the site, a 'residential welcome pack' is not necessary. However, a condition requiring details of an electrical vehicle charging point is necessary in order to encourage the use of sustainable transport modes of transport.

20. A condition requiring details of foul and surface water drainage systems is necessary and reasonable in order to manage any increases arising from the increase in static caravans/mobiles homes and occupiers on the site. It would also assist in reducing the risk of flooding from surface water run off for nearby and adjacent static caravans/mobiles homes.
21. A condition requiring details of any external lighting arising from the change of use permitted is reasonable and relevant to planning and the development being permitted in order to manage and minimise light pollution.

Conclusion

22. The proposal would accord with the adopted development plan and there are no material considerations that indicate a decision otherwise than in accordance with it.
23. For the reasons given above, I conclude that the appeal should be allowed.

C Parker

INSPECTOR

Appendix A – List of conditions

1. The site shall not be occupied by any persons other than gypsies and travellers as defined in *Planning Policy for traveller sites, August 2015 - Annex 1: Glossary of Planning Policy for Traveller Sites* (or its equivalent in any replacement national policy).
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan @ 1: 1250, Existing site layout plan, and Proposed site layout plan.
3. No more than six caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (or any subsequent amending or replacement legislation), (of which no more than 5 shall be a static caravan) shall be stationed on the site at any time.
4. The site shall not be used for any trade or business purpose other than as a home base for light vehicles (that is not exceeding 3.5 tonnes) used by the occupants of the site for the purposes of making their livelihood off site. In particular, no materials associated with such activities shall be stored in the open on the site.
5. Within 3 months of the permission hereby granted, the access and visibility splays as shown drawing (as included in Appendix B of the tcc technical note) 'Transport and Highways Technical Note' Ref 210528-01 shall be provided. These facilities shall be retained thereafter, and no plants and/or other structures shall be erected and/or allowed to grow within the visibility splays.
6. Within 3 months of the permission hereby granted, details, including a timetable for its implementation, of an electric vehicle charging point shall be submitted to the Local Planning Authority. The charging point shall comply with BS EN 62196 Mode 3 or 4 charging, BS EN 61851, and the Worcestershire County Council Streetscape Design Guide (or subsequent standards replacing these). The approved electric vehicle charging point shall be retained for the lifetime of the development.
7. Within 3 months of the permission hereby granted, full details, including a timetable for their implementation, of all foul and surface water drainage systems to serve the development shall be submitted to the Local Planning Authority for approval. The drainage works so approved shall be implemented in accordance with the approved details and retained thereafter.
8. Within 3 months of the permission hereby granted, details of any external lighting to be provided in association with the development shall be submitted to the Local Planning Authority. The details shall include times when the external lighting will not be switched on. Only external lighting in accordance with approved details shall be provided on the site. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), there shall be no other external lighting provided on the application site.

*****END OF CONDITIONS*****