



Appeal Decision

Hearing opened on 1 November 2022

Hearing closed on 25 April 2023

Site visits made on 1 November 2022 and 25 April 2023

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th May 2023

Appeal Ref: APP/G1630/W/19/3241428

**Pleasant View Park, Cold Pool Lane, Badgeworth, Cheltenham,
Gloucestershire GL51 4UP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Henry Loveridge against the decision of Tewkesbury Borough Council.
 - The application Ref 19/00246/FUL, was dated 11 April 2019.
 - The development proposed is change of use of land to a private Gypsy and Traveller site consisting of 1 pitch of 1 mobile home and 1 touring caravan.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of land to a private Gypsy and Traveller site consisting of 1 pitch of 1 mobile home and 1 touring caravan at Pleasant View Park, Cold Pool Lane, Badgeworth, Cheltenham, Gloucestershire, GL51 4UP, in accordance with the terms of the application, Ref 19/00246/FUL, dated 11 April 2019, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal was submitted against the failure of the Council to determine the application within the prescribed period. Since the appeal was lodged, the Council has indicated that, had it been in a position to determine the application, it would have refused it for three reasons in relation to its conflict with Green Belt policy, its effect on the character and appearance of the area and due to the site's location in the countryside.
3. The hearing was initially opened on the 1 November 2022. The Lisa Smith Judgement¹ had been handed down only the day prior, on 31 October 2022, and has specific relevance to the definition of Gypsies and Travellers set out in Annex 1 of the Planning Policy for Traveller Sites (2015) (PPTS). As the implications of the Judgement on the appeal case were unclear at that time, the hearing was adjourned and subsequent correspondence was exchanged in relation to the same. The hearing resumed on the 25 April 2023 with the parties having agreed a Statement of Common Ground (SoCG).
4. The SoCG indicates that the PPTS status of the Appellant and his family remains agreed between the parties.

¹ Smith v SSLUHC & Ors [2022] EWCA

Main Issues

5. The main issues are:

- the effect of the proposal on the openness of the Green Belt;
- whether the location of the site accords with local and national policies for the siting of new Gypsy and Traveller pitches;
- the effect of the proposal on the character and appearance of the area;
- the general need for pitches in the area;
- the personal need of the Appellant's family for accommodation;
- the personal circumstances of the Appellant and his family; and
- whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Context and proposal

6. The site comprises the northern half of a paddock enclosure and extends to around 0.1 hectares in area. It is located within the Green Belt adjacent to the north-eastern edge of the settlement of Badgeworth, which itself lies between Cheltenham and Gloucestershire. Vehicular access is provided from Cold Pool Lane. A public right of way (PROW) passes into the site and runs along its edge.
7. The Council served a temporary stop notice on the Appellant and owner of the adjoining section of the paddock in 2016 to prevent further works beyond those that had commenced, involving the digging of trenches, formation of an access and creation of hardstandings. Thereafter, planning permission was sought for the change of use of land for two traveller pitches which was subsequently refused. An appeal² relating to the same was dismissed in 2017. An injunction order was then obtained to return the site to its condition prior to the unauthorised development.
8. The proposal seeks to change the use of land to residential purposes to accommodate 1 traveller pitch, with one static and one touring caravan and an area of hardstanding for parking.

Reasons

Green Belt

9. The National Planning Policy Framework ('the Framework') sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and permanence. The PPTS sets out that traveller sites in the Green Belt are inappropriate development and the parties agree that this proposal would, by definition, constitute inappropriate development in the Green Belt.
10. Policy SD5 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (2017) (JCS) sets out that the Green Belt will be protected from harmful development to enable it to serve its key functions. In this regard, the Green Belt between Gloucester and Cheltenham serves to prevent a merging of the

² Appeal Ref APP/G1630/W/16/3150191 dated 26 July 2017

two settlements, with the Policy seeking to preserve openness and prevent urban sprawl that would run counter to this aim.

11. The Tewkesbury Borough Plan (adopted July 2022) (TBP) Policy GRB4 reemphasises national policy in setting out that inappropriate development will only be permitted in very special circumstances, which only exist if the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
12. The parties differ on the degree to which the visual dimension of openness of the Green Belt would be harmed by the proposal. The Council refer back to the 2017 appeal decision which concluded that this part of the Green Belt is fragmented but also fragile and sensitive, with that particular proposal considered to represent a significant loss of openness of the same. The Appellant indicates that the reduced scale and site area reduces this harm, and whilst a degree of harm is accepted, it would be less than significant.
13. The site is relatively open and is undeveloped, but, in my view, as a small paddock on the edge of a settlement, enclosed by trees and hedges, it contributes only modestly to the network of fields that surround the wider area which prevent the merging of Cheltenham and Gloucester. The proposal would introduce two low lying structures which would be partially screened from the roadside by existing vegetation, before consideration is given to any additional or alternative landscaping proposals. In essence, the site is relatively contained, in landscape and visual terms, and, in my view, the degree of harm to openness would be of a modest magnitude.
14. The proposal therefore conflicts with the purposes of the Green Belt and would have a moderate adverse effect on openness, in conflict with the Framework, Policy GRB4 of the TBS, Policy SD5 of the JCS and the PPTS. Such harm attracts substantial weight.

Location of development

15. The site lies outside of any defined settlement boundary referred to in TBP Policy RES2 and the proposal would not receive support in principle under Policy RES3 '*New Housing Outside Settlement Boundaries*'. Furthermore, whilst the site lies adjacent to a rural settlement for the purposes of Policy RES4, '*New housing at other rural settlements*', that Policy precludes such development within the Green Belt unless qualifying under one of the stated exceptions. In essence, it is not located where the principle of new residential development is supported under the development plan.
16. JCS Policy SD13 is the criteria-based Policy relating to '*Gypsies, Travellers and Travelling Showpeople*', of which criterion (iv) requires sites to be in a suitable location in terms of access to amenities, services and facilities, including schools, shops, health services and other community facilities. Whilst the 2017 appeal scheme was considered in the context of the then draft JCS Policy SD11, the adopted version of the Policy is relevant now.
17. PPTS does not preclude the development of Gypsy and Traveller sites in the countryside, acknowledging that they may occur in either rural and semi-rural areas. The Framework also acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

18. Churchdown is one of the closest settlements with schools, shops and healthcare facilities and is around 2km from the site. The closest main shopping and employment areas are based in Cheltenham, some approximate 5km away from the site. The previous appeal decision indicated that the site was poorly located for accessibility to schools, shops, and other local facilities and that future occupants would largely be dependent on cars for the majority of journeys. The only real change on the ground since then is that a supermarket has been relatively recently constructed, also around 2km from the site; modestly closer than was the case previously.
19. I walked to the closest bus stop and noted the frequency of services and journey times of up to around 30 mins for buses to Cheltenham or Gloucester. Though the walking route through Badgeworth to the bus stop is suboptimal given the absence of footways for part of its length, it is at least an option during the daytime and the journey times are not prohibitive.
20. Similarly, whilst cycle journeys would be relatively short to either Churchdown or Up Hatherley, they seem less likely than journeys by car. However, the positive attribute is that, where necessary, at least car journeys to most key services and facilities are conveniently short. As outlined at the hearing, the Appellant's view as to why the site is so suited to his family's needs is, in part, related to the number of facilities being within easy reach of the site.
21. Also of relevance is that another site on Cold Pool Lane, 'Brookside Stables', was allocated in the TBP as a Gypsy and Traveller site for 7 pitches. This site is around 430 metres away, closer to Up Hatherley but further from the bus stop in Badgeworth and local facilities in Churchdown. The examining Inspector's view about the Brookfield Stables site was that it was suitable for allocation, taking account of its location. Similarly, an appeal decision³ relating to the same site concluded that the Brookside Stables site is not remote, essentially forming part of the Cheltenham hinterland, and that car journeys to facilities would be short.
22. I acknowledge the views of the Inspector in the previous appeal case for this particular site. However, my view is that the site is suitable in the terms of JCS Policy SD13 taking into account the short car journeys that would be involved for access to everyday services and in the context of both the lifestyle of the Gypsy and Traveller community and the more limited sustainable transport options available in rural areas.
23. In conclusion, the location of the site is suitable for the siting of a new Gypsy and Traveller pitch in accordance with, in particular, Policy SD13 of the JCS and the provisions of PPTS and the Framework.

Character and appearance

24. There are photographs within the appeal documentation which portray how the site looked prior to alterations in 2017. From these, the site had an open and natural character, with an abrupt transition between the imposing 'Rudgeley House' adjacent to the site and defining the edge of the rural settlement, and the surrounding countryside. Though the site was absent of frontage vegetation then, the denser vegetation alongside Ham Brook appears to have stayed relatively consistent between then and on the occasions of my visits.

³ APP/G1630/W/17/3192162 dated 27 November 2018

25. The parties agreed at the hearing that the baseline for consideration of the site's character and appearance is that of its current condition, with post-and-rail fence enclosures around it and separating it from the adjoining parcel, a semi-mature mixed species hedgerow along the frontage and a few individual tree specimens dotted within the site itself. This is because the restoration of the site following the injunction order required only the development to be removed, which did not necessitate removal of otherwise permissible landscaping. Though the site has therefore been restored, these features, combined with its more regularly maintained grass sward, contribute to it having a more domesticated appearance than in the photographs from 2017.
26. Though its rural character has changed, and it appears more domesticated and influenced by its connection to the settlement of Badgeworth, the site still has a pleasant appearance. The mixed species hedgerow on the frontage, albeit taller than the more clipped forms found on other roadside boundaries nearby, is characteristic of the area and has established well to provide an effective partial screen of the site, which along with the vegetation alongside the Brook, contributes to a sense of the site being more self-contained and its scale more modest, less a part of the patchwork of pastureland.
27. The proposal would introduce an area of hardstanding onto the site, onto which would be sited two caravans, set back a generous amount from the road. Whilst there would be no day room building, I am mindful that some degree of domestic paraphernalia would be expected with the residential use of the site.
28. The introduction of structures and domestic paraphernalia onto the site would result in an inevitable degree of harm given the current absence of such. The site would still stay surrounded by undeveloped countryside, but the way in which the proposal would appear to elongate the ribbon form of development out of Badgeworth beyond Rudgeley House would minimise the degree of compromise to the integrity and intrinsic beauty of the wider surrounding area.
29. I also recognise that the caravans proposed would clearly differ in form and appearance to the mixed housing otherwise found within the area. It is also clear that the gap between the caravans and the closest dwelling, Rudgeley House, would be larger than the more typical plot sizes of dwellings along Cold Pool Lane which would exacerbate the differences between the proposal and its surroundings.
30. There would also be some visual effects, in some public views from the road where the topography permits, and in particular from the PROW. However, taking account of the low lying nature of the caravans, the limited number proposed and the modest extent of the site area over which hardstandings and domestic paraphernalia could be spread, the degree of visibility would be restricted. Planning conditions could also be used to secure additional landscaping to minimise the visual interaction between users of the PROW and the site, albeit acknowledging that caravans should not need to be entirely concealed from view such as to be perceived as being isolated from the receiving community.
31. Taking all these factors into consideration, the proposal would cause significant localised harm leading to conflict with JCS Policy SD13 which requires that Gypsy and Traveller proposals must not have an unacceptable impact on the character and appearance of the landscape and be sensitively designed to

mitigate such. The proposal also conflicts with JCS Policy SD6 which seeks to ensure that proposals have regard to local distinctiveness.

Need for pitches

32. The TBP adopted last year was based on the Gloucester Gypsy and Traveller Accommodation Assessment (GTAA) published in 2017. It contains Policy GTTS1 which allocates 38 pitches until the end of the plan in 2031 and indicates the difficulties in finding suitable sites to allocate, particularly outside of the Green Belt.
33. With the already delivered pitches and allocations, the minimum 5 year supply for PPTS Travellers was considered to have been addressed for the duration of the plan period as at the point of adoption. However, the adoption of the TBP was also premised on the need to secure around an additional two pitches per annum through criteria-based Policy SD13 of the JCS to meet the total need for travellers over the plan period, including those of 'unknown' status.
34. The updated *Gloucestershire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment*, dated November 2022, (GTAA 2022), took into account the implications of the Lisa Smith Judgement in the context of the still extant PPTS 2015 and paints a different picture of need going forward. It gives different figures of need based on the differences in defining Gypsies and Travellers, one based on the ethnic identity definition; second, based on the needs of families who have not permanently ceased to travel (i.e. the PPTS 2015 Annex 1 definition); and third, based on a 'travel to work' (TTW) interpretation of PPTS 2015. Significantly, it found that for the Tewkesbury borough, the need based on the ethnicity definition would be for 29 pitches before 2026 and a further 21 pitches between 2026 and 2031⁴. Based on the PPTS definition, 7 pitches would be needed before 2026 and a further 19 between 2026 and 2031. Whilst use of the TTW definition would suggest a current oversupply of 13 pitches to 2026 and a requirement for 17 more by 2031, there is no suggestion that this definition would be favoured over the ethnic or PPTS definitions in any event.
35. The Council highlighted at the hearing that the GTAA 2022 is not policy itself. Whilst the GTAA 2022 recommends the adoption of the 'ethnic' figures, it will be up to each respective local authority to determine whether it adopts the ethnic or PPTS definition need figure as part of any new policy response. It was suggested that this response could potentially form part of the review of the JCS, but that there had been insufficient time since the publication of the GTAA 2022 to have made meaningful progress in this regard. Thus, it can be concluded that the approach to addressing need and timetable for doing so are very uncertain at this point in time.
36. As a consequence, the SoCG details the agreement between the parties that the Council is unable to demonstrate a 5 year supply of sites. The level of unmet need varies dependant on whether referring to the ethnic or PPTS definitions, but it is between 26 pitches to 2031 for the PPTS-defined need and 50 pitches to meet the ethnic needs over the same period.
37. The existing GTTS1 allocations do not address the unmet need identified in the GTAA 2022. JCS Policy SD13 provides a criteria-based policy to allow for the

⁴ The GTAA 2022 figures are projected to the period 2041, but the TBP and JCS plan period end in 2031, hence focussing on this date

consideration of windfall pitch proposals, which was anticipated to secure around 2 pitches per annum based on the GTAA 2017. Although there is no upper limit on the pitch numbers it can be used to secure in the wording of the Policy itself, securing a further 26 or 50 pitches entirely through Policy SD13 would be challenging.

38. The level of unmet need and lack of supply are significant considerations for this appeal and present a very changed situation compared to that in the lead up to the adoption of the 2022 TBP. The proposal does not form one of the allocations in TBP Policy GTTS1, but this does not mean it is in conflict with it either. As a windfall proposal, compliance with JCS Policy SD13 largely requires consideration about the site's suitability against other criteria; a matter to which I return below.

Personal Need

39. The evidence details that there are four residential sites for Gypsies and Travellers in the control of Gloucestershire County Council (GCC), as follows:
- The Willows, Sandhurst Lane, Gloucester – north of Gloucester (c. 46 pitches)
 - Cursey Lane, Elmstone Hardwick – north of Gloucester/west of Cheltenham (19 pitches)
 - Showborough, Twyning – north of Tewkesbury (10 pitches); and
 - Culkerton, near Tebury – south-east Gloucester (4 pitches).
40. The dialogue between the Appellant and GCC's Housing Services and Traveller Liaison Team supports the position outlined by the Appellant that he and his family have been moved on regularly, have declined to be housed in hotels or unsuitable 'bricks and mortar' accommodation as it is culturally inappropriate, and that limited pitch vacancies on public sites have been available in that time. In the past, limited vacancies at Cursey Lane and the Willows have arisen and were offered to the Appellant, but were rejected as unsuitable.
41. The Appellant explains the decision to reject the offered public site vacancies as relating to either problems with their insufficient standard of upkeep, contamination, flooding, or related to clashes which would disrupt those resident there, in addition to posing a threat to the safety and wellbeing of his own family. Whilst it may seem inadequate to raise social problems as a reason to decline a publicly available pitch, I understand the desire of the Appellant not to cause unrest amongst the residents of those sites. In my view, whilst it is inadequate to simply decline pitches, the rationale given behind the rejection of the limited offers made to the Appellant based on flood risk or unsuitable conditions appear well founded and the options given were clearly not appropriate if a difficult roadside existence was the preferable option.
42. The SoCG details that there are no plots available on any of the aforementioned public residential sites, though at the hearing, it was announced that 1 pitch had just become available at Cursey Lane again, albeit that there were 20 families on the Site's own waiting list, distinct from the general waiting list managed by GCC. Furthermore, despite the allocations in the TBP under GTTS1 which are for privately-owned sites, neither party could identify any pitches which would be considered available to the Appellant.

43. In view of the above, there are no presently identifiable alternative pitches on public or privately-owned sites that would be available or suited to the Appellant and his family.

Personal Circumstances

44. The Human Rights Act⁵ establishes a right to respect for private and family life and the Public Sector Equality Duty⁶ requires that a public authority must foster good relations between persons who share a relevant protected characteristic and those who do not. The United Nations Convention on the Rights of the Child, under Article 3, requires a child's best interests to be a primary consideration, and no other consideration must be regarded as more important or given greater weight than the best interests of any child.
45. It is well documented in the evidence that the family, comprising the parents and their four children between the ages of 2 and 14, had lived a roadside existence at least since the time of the previous appeal dismissal. In that time, the Appellant indicated that they had stopped at a significant number of places and had been moved on to the extent that it had affected the family's ability to maintain the children's school attendance. Consequently, their education has fallen behind, despite some indication of visits of a home tutor. That said, the family aspire to return the children back into regular education or further education to enhance their future prospects.
46. The family do not appear to have any particular medical needs but are registered to a local healthcare centre in Churchdown. However, the stresses of living a roadside existence whilst raising a family, including a toddler, are documented in the evidence and have been a cause for concern of professionals overseeing the care of the family.
47. There would be advantages for the general wellbeing of the family by having a settled base and being able to provide a stable home and access to basic amenities. This would be in the children's best interests. In stark contrast to the benefits outlined above, dismissal of the appeal would, in all likelihood, prolong the family's roadside existence without any certainty of suitable alternative accommodation becoming available.

Other Matters

48. A number of representations were submitted by local residents and the Parish Council in connection with the application and appeal and were reiterated in person at the hearing. I have taken these into account in reaching my decision.
49. In respect of the PROW, it turns into the site across the bridge over Ham Brook and has been enclosed to run along the edge in a south-westerly direction. The enclosed pathway appears relatively passable to the point of the boundary with the adjoining site, beyond which the overgrown hedgerow on adjoining land has obstructed the route. The instances of obstructions of PROWs around the area more generally, through vegetation, trees and blocked gateways, was something I noticed on my site visit. In any event, there is limited evidence to suggest that this proposal would physically interfere with the PROW any differently than has been the case since the previous appeal and there would be sufficient space to widen the pathway enclosure to the south-east to the end

⁵ Article 8 of the European Convention on Human Rights as enshrined in the Human Rights Act (1998)

⁶ Public Sector Equality Duty under the Equality Act, 2010

of the caravan should it be necessary. However, no investigations appear to have been undertaken by the relevant authority during this appeal, the proposal itself has not been advertised as one which would affect the PROW through stopping up or diversion and the matter is not one in dispute between the main parties.

50. I note the number of concerns raised in connection with flooding around the site, but also noted myself the pooling of surface water along the edges of the road around Cold Pool Lane and the area generally, not limited to the site. The matter of flooding is not in dispute between the parties and a planning condition could ensure that adequate means of drainage were installed to better manage surface water, even with an additional area of hardstanding.
51. I have given regard to the need to ensure that the scale of Gypsy and Traveller sites does not dominate the nearest settled community and to promote a peaceful and integrated co-existence between site residents and those of the settled community. A single pitch proposal would clearly not dominate the village of Badgeworth, even when taken cumulatively with the site at the nearby Brookfield Stables. The site location and avoidance of any severe form of fencing enclosures around the site are aspects that could promote a peaceful coexistence, but tolerance and integration is not something that can otherwise be policed through the planning process.
52. Though I note that local residents perceive the road as busy and too dangerous for the appeal proposal, it is not an aspect with which the Council has a concern, and from what I saw, the access appeared suited for the condition and speed of the road, bearing in mind that it is on the immediate approach to or exit from the settlement of Badgeworth.
53. A number of residents have also raised the issue of precedent, in terms of whether additional proposals of a similar nature would come forward if the appeal were allowed. However, this appeal has been under consideration for a considerable period and has its own very specific circumstances, and thus, no precedent would be created by a decision in favour of the Appellant.

Whether Very Special Circumstances

54. The proposed development would conflict with adopted Policy SD5 of the JCS and GRB4 of the TBP, by introducing inappropriate development into the Green Belt, undermining its purposes and modestly reducing its openness. In accordance with the Framework, substantial weight must be given to such harm to the Green Belt. The development would also cause significant localised harm to the character and appearance of the rural landscape, contrary to TBP Policy SD6, also bringing the development into conflict with TBP Policy SD13. The scheme is therefore contrary to the development plan, when considered as a whole.
55. The weight to be attached to the best interests of the children is no less than the substantial weight to be attached to the Green Belt harm. I have indicated that the best interests of the children would be served by them having a settled base and access to education and healthcare facilities.
56. The PPTS indicates that unmet need and personal circumstances are unlikely to form a significant material consideration in cases involving the Green Belt. There is currently no five year supply of deliverable PPTS sites and, by

extension, an unmet need in the Borough. Given the uncertain policy response and timeline for implementing such, the unmet need is likely to persist for some while into the future. This factor, combined with the family's circumstances, attracts great weight.

57. However, I find that the other considerations in this case, even when taken together, do not clearly outweigh the extent of the harm that I have identified. Consequently, the very special circumstances necessary to justify the development on a permanent basis do not exist.

Temporary Permission

58. Dismissing the appeal would have an adverse effect on the Appellant and his family, including the children, by prolonging the need for them to live by the roadside, making settled education and medical care more difficult.
59. It is evident that the publication of the GTAA 2022 has triggered the need to formulate an appropriate response. Whilst the duration of such a process and end date for a completion are currently unknown, the parties agreed that a five year period would be sufficient for the Council or GCC to find opportunities on preferable alternative sites, or for the Appellant to do so, or for some other form of policy response to be devised.
60. The harm to the openness of the Green Belt and character and appearance of the area would be reduced if the development were restricted to a temporary period of five years.
61. Therefore, whilst I have found that other considerations do not indicate that a permanent permission should be granted, the unmet need, lack of a deliverable five year supply, absence of alternatives, when combined with the personal circumstances of the Appellant and family, contribute to my finding that the other considerations clearly outweigh the identified harm so as to justify the development on a temporary basis. The very special circumstances necessary to justify development do exist, albeit for only a temporary duration.
62. Whilst there would be interference with the Appellant's rights under Article 8 of the Human Rights Act in future, in my view, the protection of the public interest cannot be achieved by means which are any less interfering. The measures proposed are proportionate and necessary in the circumstances and would not result in a violation of said rights.

Conditions

63. In the interests of certainty, a condition stipulating the relevant approved plans is necessary.
64. The occupancy of the site should be restricted to the current Appellant, his wife and their resident dependants, as their personal circumstances have contributed to my decision. Furthermore, it should be for a temporary period of up to 5 years, with a requirement to re-instate the site afterwards.
65. As the status of the family under the PPTS Annex A definition is not in dispute, and the particular needs of this community have factored into my decision to grant a temporary permission, a condition is also necessary limiting occupancy of the site as such.

66. In the interests of the character and appearance of the area, a condition is necessary limiting the site to one pitch with a specific permissible number and type of caravan. For similar reasons, it is necessary to ensure that commercial vehicles are limited in number and size and that no storage of materials associated with commercial activities occurs on site.
67. A condition is also necessary to ensure that landscaping, including retention and implementation of new planting and fencing, and the provision of surface water and foul water drainage schemes are undertaken in accordance with details to be agreed in writing by the Council to maintain the character and appearance of the site and avoid harm to the environment. These measures would not be disproportionate to the five year duration of the permission.

Conclusion

68. For the foregoing reasons, the appeal is allowed.

Hollie Nicholls

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr A Masters	of Counsel
Mr B Woods BA (Hons) MRTPI	WS Planning and Architecture
Mr H Loveridge	Appellant
Ms C Loveridge	Family member of Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr J Smyth	of Counsel
Mr P Smith	On behalf of Tewkesbury Borough Council

INTERESTED PARTIES:

Mr Wilkinson	Local resident
Mrs Wilkinson	Local resident
Mr Mieklejón	Local resident
Mrs Mieklejón	Local resident
Mr Dodimead	Local resident
Mr Dodimead	Local resident
Mr Cottell	Badgeworth Parish Chairman
Mrs Fox	Local resident
Mrs Roberston	Local resident
Mr Fox	Local resident
Mr P Cotton	Local resident
Mrs H Cotton	Local resident

DOCUMENTS SUBMITTED AFTER THE HEARING:

Document 1	Email relating to suggested site development scheme condition
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SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan, Ref J003259-DD01, dated April 19
 - Site Block Plan, Ref J003259-DD02/A, dated 29.04.19
 - Existing & Proposed Site Sections, Ref J003259- DD03, dated April 19
- 2) The use hereby permitted shall be carried out only by the following: Henry Loveridge, Charlene Loveridge and their resident dependants.

The use hereby permitted shall be for a limited period being the period of 5 years from the date of this decision. At the end of this period, or when the land ceases to be occupied by those named in condition No 2, whichever occurs sooner, 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 shall be removed, and the land restored to its condition before the development took place.
- 3) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 4) There shall be no more than one pitch on the site and no more than two caravans (of which no more than one shall be a static caravan), as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the pitch at any time.
- 5) No commercial activities shall take place on the site including the storage of materials.
- 6) No more than one commercial vehicle shall be kept on the land for use by the occupiers of the caravans hereby permitted shall not exceed 3.5 tonnes in weight.
- 7) Prior to the commencement of the development hereby permitted and notwithstanding the details shown on Drawing No J003259-DD02/A Site Block Plan, a scheme (hereafter referred to as the Site Development Scheme) shall be submitted to, and approved in writing by, the local planning authority, which shall include:
 - details of external lighting within the site;
 - a hard and soft landscaping scheme. Hard landscaping shall include means of enclosure and surfacing materials. Soft landscaping shall include identification of all trees, shrubs, and hedges to be retained showing their species, spread and maturity; new tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities; and a schedule of landscape maintenance for a period of 5 years following initial planting;

- details of surface water drainage, to be based on sustainable drainage principles and to include management and maintenance arrangements; and
- details of foul water drainage, including management and maintenance arrangements.

The development shall be carried out in accordance with the Site Development Scheme which shall be implemented in full prior to the occupation of the pitch hereby permitted. Following implementation of the approved Site Development Scheme, that scheme shall thereafter be maintained. No lighting, hardstandings or means of enclosure other than those forming part of the approved scheme shall be constructed or erected on the site.

End of Schedule