



Appeal Decision

Hearing held on 7 November 2023

Site visit made on 7 November 2023

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2023

Appeal Ref: APP/H1840/W/23/3317390

Land off Haywood Way, The Close, Cleeve Prior, Worcestershire WR11 8LF

- 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 James Boswell against the decision of Wychavon District Council.
 - The application Ref W/22/00612/CU, dated 2 March 2022, was refused by notice dated 5 September 2022.
 - The development proposed is change of use of land to use as residential caravan site for 7 gypsy families each with two caravans, including no more than one static caravan, together with laying of hardstanding and erection of 4 No. utility buildings.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of land to use as residential caravan site for 7 Gypsy families each with two caravans, including no more than one static caravan, together with laying of hardstanding and erection of 4 No. utility buildings at land off Haywood Way, The Close, Cleeve Prior, Worcestershire WR11 8LF, in accordance with the terms of the application, Ref W/22/00612/CU, dated 2 March 2022, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal site is adjacent to an existing residential caravan site which has planning permission, granted on appeal, for six pitches, although currently only five of the pitches are occupied. The appellant relating to the appeal for that site is the same as the appellant for this appeal. At the hearing it was stated that the proposed pitches, together with the existing pitches, would be for the appellant's extended family. However the application was not submitted on this basis, no personal circumstances were advanced and no personal occupancy condition was requested. As such I have considered this intention as background information and it has had no significant bearing on my decision.

Main Issues

3. The main issues are:
 - a) whether the size of the site and the number of pitches as a whole are of an appropriate scale for this location; and
 - b) the effect of the development on the living conditions of nearby residents in respect of noise and disturbance.

Reasons

Scale

4. The development, when combined with the existing pitches on the adjacent site, would amount to a total of 13 pitches. There is a further consented caravan site on Evesham Road, which is substantially detached from Cleeve Prior. Precise details of the current occupation of that site are unclear, but it appears that most if not all of the permanent residents have vacated the site and that any caravans that are there, are there temporarily. Furthermore, part of the site is contaminated. Accordingly, the Council have not accounted for it in their supply of Gypsy and traveller sites. There is also a pending planning application for bricks and mortar housing development on that site. So although there is an extant permission for 31 pitches here, it seems very unlikely the site would be able to be used to that extent again and make anything more than a minimal contribution, if at all, to the number of traveller pitches locally. As such I have had little regard to it.
5. It is agreed by the parties that Cleeve Prior has 247 homes, and that there are 44 houses in The Close and Haywood Way combined, with 6 of those being in Haywood Way which is the cul-de-sac which leads to the site. The main part of the appeal site adjoins the south-easternmost property in Haywood Way.
6. Policy SWDP17 of the South Worcestershire Development Plan identifies a number of criteria against which proposals for traveller accommodation should be assessed. One is that whether the size of the site and the number of pitches are of an appropriate scale for its location. This closely reflects the guidance in the Planning Policy for Traveller Sites (PPTS) which says that sites in rural areas should respect the scale of, and do not dominate, the nearest settled community.
7. I accept that the terms 'settled community' in the PPTS and 'location' in the policy do not necessarily mean a village or whole settlement. Furthermore, Cleeve Prior is a rather linear settlement largely strung out along the B4085 and hence properties at one end of the village are some distance from those at the other. Nonetheless, it is a distinct settlement surrounded by agricultural land with contiguous built form along the main road. I consider it to be a single community. It would be an artificial interpretation of the PPTS to consider that the houses in The Close or Haywood Way comprise a community separate from the remainder of Cleeve Prior. Indeed, there is no visual separation between The Close and the rest of the village. For the same reason I see no reason why 'location' in policy SWDP17 should not comprise the village.
8. It would be crude to wholly rely on a purely mathematical calculation to assess what is appropriate. Nonetheless, the number of pitches proposed is very small in the context of the whole settlement. Moreover its location, at the end of a cul-de-sac which is itself off a cul-de-sac, means it is not prominent in the context of the settlement. Also, with the provision of additional landscaping to add to that already present around the site, it would not be visually dominant in the landscape. Overall the development would be of an appropriate scale and would not dominate Cleeve Prior.
9. It is recognised that most private sites in the district have less than 10 static caravans on them, and that those that have more are not adjacent to settlement boundaries and were established before the current development

plan was adopted. Nonetheless there is no reason why the circumstances at other sites necessarily need inform the size of this site. Moreover as the sites referred to are not close to settlement boundaries, they do not provide a useful comparison. Also, with regard to the specific refusal of planning permission for a site at Duffledown Farm; that related to 16 pitches so is materially larger than the appeal before me, even when combined with the adjacent site.

10. The Council's Gypsy and Traveller Accommodation Assessment 2019 (GTAA) identifies that small family run sites are preferred by Gypsies and Travellers as they are safer and easier to manage, and policy SWDPR 20 of the draft South Worcestershire Development Plan Review concurs that private sites should not exceed 10 pitches for ease of management. However these reasons relate to the residents of the site more than its relationship with its wider setting. The appellant suggests that as it is intended that the whole site would be owned by one family, separate management would not be necessary. Even if both sites were not occupied by the same extended family, I do not consider it necessary that the two sites combined must have formal management to make the current proposal acceptable, particularly because of the limited weight that can be given to emerging policy SWDPR20, which has yet to be examined.
11. Overall, the site, in combination with the existing site, would be of an appropriate scale for this location and would not dominate the nearest settled community. Whilst it would be large in the context of other sites in the district, this does not lead me to a different view. The proposal therefore would meet SWDP17 and the PPTS in this regard.

Living conditions

12. The evidence before me suggests that on occasions a large number of vehicles have been recorded going to and from the existing caravan site, and that these movements have included quad bikes and commercial vehicles. It is also understood that when the existing caravans were first brought to the site, this caused disruption insofar as roads had to be cleared and a lamppost re-sited.
13. However it is clear that such occurrences are limited. Furthermore, I have no substantive evidence to suggest movements to and from Gypsy and traveller pitches are materially different than from a bricks and mortar house. Therefore the predicted traffic volumes of eight movements per pitch per day, suggested by the appellant, seems a reasonable average. Moreover as any use of quad bikes would be for recreational purposes and not as a regular means of transport, it would not be appropriate in my view to account for them in terms of traffic numbers.
14. Haywood Way was designed as a small cul-de-sac, as indeed no doubt was The Close originally. However both roads are capable of accommodating the increase in traffic as evidenced by the lack of objection from the highways engineer. The development would, proportionately, represent a substantial increase in traffic along Haywood Way, but numbers would still remain to be low. Moreover, because of the short length of Haywood Way and the bend in The Close, I would not anticipate traffic speeds here to regularly be excessively high, though I acknowledge the complaint made to the Safer Neighbourhood Officer regarding traffic speeds on Haywood Way.

15. Likewise, due to limited traffic numbers, noise from the additional vehicles passing in front of the houses on Haywood Way would not be likely to be unacceptably disturbing.
16. The appeal site is currently grassed and can be used by residents of the existing caravans for recreational purposes. The proposal would result in only a small portion of that land, alongside the southwestern most house in Haywood Way, being left available for recreation. Although the development would result in a greater number of residents having access to a smaller area of open land, I do not consider typical recreational use of this communal land would be likely to be unacceptably disturbing to neighbouring residents. Furthermore a detailed landscaping scheme could be secured by a condition which could include buffer landscaping, comparable to that shown to the eastern side of Haywood Way, in order to further increase the separation between the amenity space and the nearest property.
17. In addition, although the remaining open area would be considerably smaller than the current amenity space, I consider it would be sufficient to serve the occupiers of the whole site, particularly as the individual pitches proposed are shown to have their own small areas of amenity space, and the existing pitches are spacious.
18. Overall, the development would not be likely to cause noise and disturbance such that the living conditions of the occupiers of neighbouring properties would be unacceptably affected. As such, in this respect too, the proposal would accord with policy SWDP17 which requires proposals to assess the impact on the residential amenity of neighbouring properties.

Other Matters

19. The appeal site slopes down slightly towards the rear and beyond the rear boundary lies the Millennium Green. This is an area of wildflower meadow and woodland owned by the Cleeve Prior Heritage Trust with financial support from Natural England. It contains a pond at its lowest, southern, end. I understand that significant effort has been spent on improving the drainage of the Green. An increase in hardsurfacing across the appeal site could increase surface water runoff towards the Green. The appellant advises that all 'hardsurfacing' areas could be permeable and that additional sustainable drainage mechanisms could be provided. This would assist with rainwater collected from the caravans and utility buildings themselves.
20. I understand that the existing foul water drain is at capacity, though this may not prevent Severn Trent Water allowing a connection to it. The alternative would be a private drainage system, such as a Klargester system, which is already employed at the existing site. Though this would still produce an outflow, such is the efficiency of the outflow it would not need to go into a mains sewer. It seems therefore that there are feasible options to ensure foul and surface water is satisfactorily dealt with on the site, and these can be secured by a suitable condition. The lack of objection from the Drainage Engineer would support my view. With an approved drainage scheme in place before the site is occupied, the development would not result in excessive amounts of water draining onto Millennium Green, or any other adjoining land, which could have an adverse impact on its biodiversity value.

21. The hedgerow along Quarry Lane would screen the site from here and views from the Millennium Green would also be very limited by the boundary vegetation. The development would be more visible when seen from Haywood Way, and more so than the existing caravans. However additional hedging along the northern edge of the site, to supplement the existing low hedge, would assist to soften the view. There would be little interference in long distance views as these would remain to be limited by the tall and mature vegetation along the southern boundary of the site.
22. An increase in residents could result in an increase in the use of Millennium Green or Sanctuary Wood. I have no evidence to suggest this would be to the detriment of these areas or their biodiversity interests. Brief reference was made at the hearing to the pond in Millennium Green having great crested newts. However I note that the previous Inspector considered that the distance of the pond from the site, at around 200m, and the fact that the pond was assessed as having a low Habitat Suitability Index score led him to the view that it was very unlikely that great crested newts would be on that appeal site. I have no substantive evidence before me to support a contrary view.
23. The access from The Close onto Haywood Way is in the form of a dropped kerb rather than a bell mouth junction. However the highways engineer raises no objection to the access and I have no reason to consider otherwise. Likewise the junction from The Close onto Main Street is satisfactory to accommodate a modest increase in traffic.
24. As is not uncommon for the size of the village, there are few local services or facilities. However I understand there is a bus service that passes through Cleeve Prior linking it to larger towns, and a pub, school and a church in the village. In light of the fact that the PPTS recognises that sites may be in rural areas, the range of facilities accessible by future occupiers is reasonable.
25. Some reference has been made to anti-social behaviour relating to the existing site, and the contents of the letter from the Safer Neighbourhood Officer supports this. However there is scant other evidence of this and indeed the letter notes that some of the anti-social behaviour occurred when there were a large number of visitors to the site, not when only the permanent residents were on site. The letter sets out that the Officer holds weekly drop in session at the Village Hall and it would seem more appropriate to raise any further concerns through the Officer rather than withhold planning permission solely on this ground.
26. Due to the low height of the caravans and the potential for boundary screening, there would be no unacceptable effect on the privacy of neighbouring residents. In addition, it is a long-established principle that the planning system does not exist to protect private interests, including the value of property.
27. At the hearing the parties agreed that the Council did not have a 5-year supply of deliverable sites. Subsequent to that however, the Council have approved some applications which they state results in there being slightly in excess of a 5-year supply. Nonetheless, as I find the proposal to be acceptable in respect of all the above issues, this matter has had no bearing on my decision.
28. A number of local residents have commented that the planning conditions relating to the planning permission at the existing site have been breached. That is a matter for the Council to investigate.

Conditions

29. I have considered the conditions suggested by the Council and the additional conditions suggested by the Parish Council. I have imposed the standard conditions relating to the commencement of the development and the approved plans in the interests of certainty. For the same reason, and to reflect the development applied for, conditions restricting the occupation of the site to Gypsies and travellers, and restricting the number of caravans is necessary.
30. Conditions preventing the commercial use of the site, the storage of some commercial vehicles, external lighting and landscaping are required to protect the character and appearance of the area. The landscaping condition requires details specifically of landscaping to be provided to the west of the access where the current plans show none. The precise location and form of landscaping would be for the Council to assess. As part of these details the slight anomaly between the landscaping buffer as shown on the Site Location Plan and the parking area on the east side of Haywood Way can be rectified.
31. Two conditions are attached relating to hard surfacing at the site in the interest of highway safety. A condition is added relating to hard boundary treatment so as to protect the amenity of the nearest residential occupiers, and a condition relating to hours of construction is needed to protect the living conditions of all nearby residents.
32. A condition relating to foul and surface water drainage is necessary so that acceptable drainage mechanisms are in place before the site is occupied to ensure that the proposal does not cause flooding on adjoining land.
33. It is necessary to restrict vehicular access to solely being from Haywood Way. This is to prevent the creation of an access onto Quarry Lane, which is primarily a footpath and is unsuitable for regular use by vehicles. There did not appear to be any existing vehicular access onto Quarry Lane, but if there is one obscured by vegetation, I have added a condition to ensure it is closed off.
34. I have not attached the suggested condition relating to the submission of a Construction Environment Management Plan as the scale of the construction works taking place would be limited. I also see no reason why a condition to prohibit fly-tipping would be necessary in this case. There is no reason to include a condition relating to bin storage as such facilities can be readily contained within each plot, as is the case with the existing pitches at the adjacent site, and it is also unnecessary to impose a condition restricting the size of the caravans on visual impact grounds given the size of the pitches themselves restrict the size of caravans that can be provided.

Conclusion

35. The proposal would accord with the development plan as a whole and there are no other considerations that indicate a decision other than in accordance with the development plan. Therefore, for the reasons given above, and taking account of all other matters, the appeal is allowed.

A Owen

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: TQRQM22061162431404, Site Layout Plan, Amenity Building Floor Plan & Elevations, PBA3 and PBA4.
- 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 or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 4) No more than 14 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, shall be stationed on the land at any time, of which no more than seven caravans shall be static caravans.
- 5) The site shall not be used for any trade or business purpose other than as a home base for light vehicles (i.e. not exceeding 3.5 tonnes gross) 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.
- 6) Before the commencement of construction works on the development hereby permitted, a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall include:-
 - (i) a plan(s) showing details of all existing trees and hedges on the application site. The plan should include, for each tree/hedge, the accurate position, canopy spread and species, together with an indication of any proposals for felling/pruning and any proposed changes in ground level, or other works to be carried out, within the canopy spread.
 - (ii) a plan(s) showing the layout of proposed tree, hedge and shrub planting and grass areas, including buffer planting to the west side of the access road.
 - (iii) a schedule of proposed planting - indicating species, sizes at time of planting and numbers/densities of plants.
 - (iv) a written specification outlining cultivation and other operations associated with plant and grass establishment.
 - (v) a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting.

All planting and seeding/turfing shall be carried out in accordance with the approved details in the first planting and seeding/turfing seasons following the completion or first occupation of the development, whichever is the sooner.

The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 7) Prior to any caravans being brought onto the site, the proposed access route, shared driveways, turning areas, and parking spaces shall be surfaced and constructed in accordance with a specification to be first submitted to and approved in writing by the local planning authority and shall be retained thereafter.
- 8) Before any of the seven individual pitches are occupied, the first 8 metres of the shared access roadway from the turning head, Haywood Way, shall be properly consolidated, surfaced and drained in accordance with a specification to be first submitted to and approved in writing by the local planning authority.
- 9) Notwithstanding the details shown on the Site Layout Plan, the development hereby permitted shall not be occupied until details of any hard boundary treatment on the boundary between the site and Haywood Way have been submitted to and approved in writing by the local planning authority. The hard boundary treatment shall be constructed in accordance with the approved details and retained as such thereafter.
- 10) The development hereby permitted shall not be occupied until full details of all foul and surface water drainage systems to serve the development have been submitted to and approved in writing by the local planning authority. The approved drainage works shall be implemented in accordance with the approved details before the first occupation of the development hereby permitted and shall be retained thereafter.
- 11) Before any external lighting is installed in association with the development, details of it shall be submitted to and approved in writing by the local planning authority. The details shall include times when the external lighting will not be switched on. Only external lighting in accordance with the approved details shall be provided on the application 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.
- 12) Construction works shall take place only between 0800 to 1800 on Monday to Friday, 0900 to 1400 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 13) There shall be no means of vehicular access to the site whatsoever other than from Haywood Way.
- 14) Within 3 months of the grant of this consent, details of any boundary treatments, along with a timetable for their implementation, required to block any existing vehicular accesses other than Haywood Way to the site shall be submitted to and approved in writing by the local planning authority. The treatments approved shall be carried out in accordance with the approved details/timetable and retained as such thereafter.

APPEARANCES

FOR THE APPELLANT:

P Brown	Agent
Mr Fury	

FOR THE LOCAL PLANNING AUTHORITY:

G Greenhow	Planning Officer
D Duggan	Planning Policy Officer

INTERESTED PARTIES:

H Leithead	Counsel for Cleeve Prior Parish Council
Cllr P Wilson	Chair of Cleeve Prior Parish Council
Cllr I Robinson	Cleeve Prior Parish Council
Cllr B Eden	Cleeve Prior Parish Council
Cllr M Smith	Cleeve Prior Parish Council
D Carr	Local resident
N Bratt	Local resident
H Stewart-Davis	Local resident

DOCUMENTS SUBMITTED AT THE HEARING

Letter from the Safer Neighbourhood Officer
Details of Millennium Green and Sanctuary Meadow
Policy SWDPR 20 of the draft South Worcestershire Development Plan Review